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VOLUME I

December 4, 1682 - June 11, 1707

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VOTES and PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES

OF THE

PROVINCE OF PENNSYLVANIA

Dec. 4, 1682 - June 11, 1707

Volume 1, with
Preface and Appendix

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PREFACE

Eighth Series
Pennsylvania Archives

Students of Pennsylvania History have for years been hampered by the difficulty encountered in securing access to the invaluable source material to be found in the "Votes and Proceedings of the House of Representatives of the Province of Pennsylvania," better known as the "Votes of Assembly." These volumes can be secured in few libraries and can rarely be found in book stores. Furthermore, the six volumes are without indices thus adding to the difficulty in securing data from them. For these reasons it was thought advisable to reprint the "Votes of Assembly" as the Eighth Series of Pennsylvania Archives.

Historians have been unable to find the manuscript copies of the Proceedings of the Assembly and it is therefore necessary to reprint them from the six published volumes, copies of which are in the Pennsylvania State Library.

Volumes I, II, and III of these published proceedings in the State Library were printed and sold at Philadelphia by B. Franklin and D. Hall at the New-Printing-Office near the Market in the years 1752, 1753, and 1754 respectively, containing 426 pages, 494 pages, and 591 pages respectively.

Volumes IV, V, and VI were printed and sold at Philadelphia by Henry Miller in Race Street in the years 1774, 1775 and 1776 respectively, containing 856 pages, 560 pages, and 766 pages respectively.

It is to be hoped that this publication will make easily accessible to students of American History Legislative records that throw much light on the early history of the Commonwealth founded by William Penn and that furnish source material illustrating the struggles for the development of Democratic government in America.

HIRAM H. SHENK, *Archivist.*

THESE Votes, beginning with the first Settlement of this Province, are now published under the Inspection, and by Order, of the *Assembly;* they begin with the Meeting of so many of the Freemen as thought fit to appear, as they had a Right to do, by the sixteenth Article of the original *Frame of Government*, or Charter, to the End there might be an universal Satisfaction in laying the Fundamentals, and establishing the Government and Laws of the Province.

THIS Charter, upon Experience, was soon found inconvenient, if not impracticable in some Parts, and particularly in the too great Number of Representatives returnable to the Provincial Council and Assembly; upon which a Second was granted, dated *April* 2, 1683, which continued in Force till after the Revolution in *England*, when the Proprietary had the Misfortune to be suspected of too great an Attachment to, and Correspondence with, the late King *James*, so that he was under a Necessity of concealing himself for some Years; during which Time the Government of this Province was administered by Colonel *Fletcher*, under the immediate Authority of the Crown. But in the latter End of the Year 1693, on a Hearing before the King and Council, the Proprietary so effectually cleared himself, that he was readily acquitted, and restored to his Government of this Province

THE Proprietary being thus reinstated, appointed *William Markham* his Lieutenant-Governor, who passed the third *Frame of Government*, dated *November* 7, 1696, which was enforced by some subsequent Laws, and continued until the present Charter was accepted by the Representatives of the Province, in *October*, 1701, tho' totally rejected by the Members of the Three Lower Counties, which had been till that Time annexed to the Province, under the Name of *The Territories;* so that a Breach ensued, which at length terminated in an entire Separation; and the Representatives of the Province, and of the Three Lower Counties, have ever since composed Assemblies independent of each other, as had been provided by this Charter, in Case of Disagreement.

IN order therefore to introduce the first Acts passed by the Representatives during the Time the Province and Territories continued united, and to give some Account of the Country, at that Time, so far as is consistent with a Work of this Nature, the Proprietary's first Application to the Crown for a Grant, and the several Deliberations thereon till he obtained it, as well as a Report ascertaining the

Boundaries of the Lower Counties, between the Crown and the Lord *Baltimore*, are inserted from authentick Papers and Records; as likewise the Royal Charter, and Deeds under which the Proprietary claims; and, in the Order of their several Dates, the Proprietary's *Concessions* to the first Purchasers; the original *Frame of Government*, in 1682; and the *Laws agreed upon in* England; all these being previous to any Act of Legislation here.

IN the *Appendix* such Acts as tended to unite the Province and Territories are added, and the two succeeding Frames of Government herein before mentioned, with the Laws relating to the Confirmation of the last; so that this may be considered as the End of our first Constitution, and accordingly at this Period the first Part of the Votes are closed. It appears by the Minutes of the Twelfth of the *Third Month*, 1707, that the House were then possessed of King CHARLES the Second's Grant to the Duke of *York*, for the Three Lower Counties, but it is not now to be found among the Records belonging to the Assembly.

THE Second Part of the Votes comprised in this Volume, begins with the *Provincial Charter*, and the *Charter of the City of* Philadelphia, under which the Government is at this Time administered, and so well understood as to need no Remarks upon either of them; but in regard to the Minutes of the Assembly, from the Time the Proprietary left the Province, in *October*, 1701, till the Beginning of the Year 1704, as they are very defective, that Time having been chiefly taken up in Disputes between the Representatives of the Province, and Territories, Care has been taken to supply that Defect, from the Minutes of the Council.

LETTERS, &c.

Preceding the ROYAL CHARTER.

Order of Council upon the Dispute between the Virginia *Planters, and Lord Baltimore.*

At the Star-Chamber, *Third of* July, 1633.

PRESENT,

Lord Keeper,	Earl of *Danby,*
Lord Privy Seal,	Lord Viscount *Wentworth,*
Lord High Chamberlain,	Lord Viscount *Falkland,*
Earl of *Dorset,*	Lord *Cottington,*
Earl of *Bridgewater,*	Mr. Secretary *Windebank.*

WHEREAS an humble Petition of the Planters in *Virginia*, was presented to his Majesty, in which they remonstrate, that some Grants have lately been obtained, of a great Proportion of Lands and Territories, within the Limits of the Colony there, being the Places of their Traffick, and so near the Places of their Habitations, as will give a general Disheartening to the Planters, if they be divided into several Governments, and a Bar to that Trade which they have long since exercised, towards their Supportation and Relief, under the Confidence of his Majesty's royal and gracious Intentions towards them, as by the said Petition more largely appeareth. Forasmuch as his Majesty was pleased on the Twelfth of *May* last, to refer to the Board, the Consideration of this Petition, that upon the Advice and Report of their Lordships, such Order might be taken, as to his Majesty's Wisdom should seem best; it was thereupon ordered upon the Fourth of *June* last, that the Business should be heard the second *Friday* in this Term, which was the Twenty-eighth of the last Month, that all Parties interested should then attend, which was accordingly performed; and their Lordships having heard the Cause, did then order, that the Lord *Baltimore*, being one of the Parties, and the Adventurers and Planters of *Virginia* aforesaid, should meet together between that Time and this Day, and accomodate their Controversy in a friendly Manner, if it might be; and likewise set down in Writing the Propositions made by either Party, with their several Answers and Reasons, to be presented to the Board this Day, which was likewise accordingly done. Now their Lordships having heard, and maturely considered the said Propositions, Answers, and Reasons, and whatsoever else was alledged on either Part, did think fit to leave the Lord *Baltimore* to his Patent and the other Parties to the Course of Law, according to their Desire; but for the preventing of further Questions and Differences, their Lordships did also think fit and order, that Things stand as they do; the Planters on either Side shall have free Traffick and Commerce each with the other, and that neither Part shall receive any fugitive Person belonging to the other, nor do any Act which may draw a War from the Natives upon either of them; and lastly, that they shall sincerely entertain all good Correspondence, and assist each other upon all Occasions, in such Manner as becometh Fellow-subjects and Members of the same State.

Order of Council upon Cláyborne's *Petition against Lord* Baltimore. At *Whitehall*, the Fourth of *April*, 1638.

PRESENT,

Lord Archbishop of *Canterbury*,	
Lord Keeper,	Lord *Cottington*,
Lord Treasurer,	Mr. *Treasurer*,
Lord Privy Seal,	Mr. *Comptroller*,
Earl Marshal,	Mr.Secretary, *Cook*,
Earl of *Dorset*,	Mr. Secretary *Windebank*.

WHEREAS a Petition was presented to his Majesty, by Captain *William Clayborne*, on the Behalf of himself and Partners, shewing, that by Virtue of a Commission, under his Majesty's Hand and Signet, they, divers Years past, discovered and planted upon an Island, in the great Bay of *Cheasepeak*, in *Virginia*, named by them, *The Isle of Kent*, whereupon (they pretended) they had bestowed great Charges; and that the Lord *Baltimore* (as they alledged) taking Notice of the great Benefit that was likely to arise to them hereby, obtained a Patent from his Majesty, comprehending the said Island within the Limits thereof, and that they had likewise settled another Plantation upon the Mouth of a River, in the Bottom of the said Bay, in the *Sasquehannahs* Country, which the said Lord *Baltimore's* Agent there (as they alledge) fought to dispossess them of, pretending likewise great Injuries and Violence offered to them, in their Trade and Possessions in those Parts, by the said Agent, in killing some of the said Captain *Clayborne's* Men; taking their Boats, contrary to the said Commission, and express Words of a Letter from his Majesty, under his Hand and Signet; and therefore besought his Majesty to grant unto the Petitioner a Confirmation, under the Great Seal, of his Majesty's said Commission and Letter, for the quiet keeping, enjoying, and governing of the said Islands, Plantation and People, with other Addittaments of Lands and Immunities in those Parts; and likewise that his Majesty would refer the Examination of the said Wrongs and Injuries, to such as his Majesty should think fit, as by the said Petition more at large appeareth. Forasmuch as his Majesty was pleased at *Newmarket*, the Twenty-sixth of *February*, 1637, to refer the Consideration of the Petitioners Request unto the Lord Archbishop of *Canterbury*, the *Lord Keeper*, the *Lord Privy Seal*, and any other the Commissioners for Plantations, who should be near at Hand, and whom they pleased to call,

and withal, to advise with Mr. *Attorney General*, for the preparing and settling the Grant desired, for his Majesty's Signature, and to examine the Wrongs complained of, and certify his Majesty what they thought fit to be done for Redress thereof: Whereupon all Parties attending their Lordships this Day, with their Counsel learned, and being fully heard, the said Commission and Letter being likewise read, it appeared clearly to their Lordships, and was confessed by the said *Clayborne* himself, then present, that the said Isle of *Kent* is within the Bounds and Limits of the said Lord *Baltimore's* Patent; and the said Captain *Clayborne's* Commission (as it likewise appeared) was only a Licence, under the Signet of *Scotland*, to trade with the *Indians* of *America*, in such Places where the said Trade had not formerly been granted by his Majesty to any other; which Commission, their Lordships declared did not extend, nor give any Warrant to the said *Clayborne*, or any other; nor had they any Right or Title thereby to the said Island of *Kent*, or to plant or trade there, or in any other Parts or Places, with the *Indians* or Savages within the Precincts of the Lord *Baltimore's* Patent; and their Lordships did likewise declare, that the aforesaid Letter, under his Majesty's Signature, which had Reference to the said Commission, under the Signet of *Scotland*, was grounded upon Misinformation, by supposing that the said Commission warranted the Plantation in the Isle of *Kent*, which (as now appears) it did not. Whereupon, as also upon Consideration of a former Order of this Board, of the Third of *July*, 1633, wherein it appeared, that the Difference now in Question being then controverted, the Lord *Baltimore* was left to the Right of his Patent, and the Petitioners to the Course of Law, their Lordships having resolved and declared as above said, the Right and Title to the Isle of *Kent*, and other Places in Question, to be absolutely belonging to the Lord *Baltimore;* and that no Plantation or Trade with the *Indians*, ought to be within the Precincts of his Patent, without Licence from him, did therefore likewise think fit, and declare, that no Grant from his Majesty should pass to the said *Clayborne*, or any others, of the said Isle of *Kent*, or other Parts or Places within the said Patent; whereof his Majesty's Attorney, and Sollicitor-General, are hereby prayed to take Notice; and concerning the Violences and Wrongs, by the said *Clayborne*, and the rest, complained of in the said Petition to his Majesty, their Lordships did now also declare, that they found no

Cause at all to relieve them, but do leave both Sides therein to the ordinary Course of Justice.

Copy of the Minutes of the Committee of Trade and Plantations, in the Year 1680.

I. *These shew the Opinion that Committee had of the Duke of York's Title to Lands, even on the* West *Side of* Delaware.
II. *That* Mr. Penn *asked for* Pennsylvania *in Satisfaction of Part of a DEBT, due from the Crown.*
III. *That Lord Baltimore was heard as to the Bounds, and yet Mr.* Penn's *Grant is from the Beginning of the Fortieth Degree.*

Extract of the Proceedings of the Lords of the Committee of his Majesty's most honourable Privy Council, for the Affairs of Trade, and the Plantations.
In the Council Chamber, *Monday*, the Fourteenth of *June*, 1680.

PRESENT,

Lord President, Bishop of *London*,
Duke of *Albemarle*, Mr. Secretary *Jenkins*,
Sir *John Chicheley*.

THE Petition of *William Penn*, referred by an Order from the Earl of *Sunderland* of the first Instant, is read, praying, in Consideration of Debts due to him or his Father, from the Crown, to grant him Letters Patents for a Tract of Land, in *America*, lying *North* of *Maryland;* on the *East*, bounded with *Delaware* River; on the *West*, limited as *Maryland;* and *Northward*, to extend as far as plantable; whereupon Mr. *Penn* is called in, and being asked what Extent of Land he will be contented with, Northerly, declares himself satisfied with three Degrees to the *Northward*, and that he is willing in lieu of such a Grant, to remit his Debt due to him from his Majesty, or some Part of it, and to stay for the Remainder till his Majesty shall be in a better Condition to satisfy it: Upon the whole Matter it is ordered, that Copies of his Petition be sent unto Sir *John Werden*, in Behalf of his Royal Highness; and unto the Agents of the Lord *Baltimore*, to the End they may report how far the Pretentions of Mr. *Penn* may consist with the Boundaries, of *Maryland*, or the Duke's Propriety of *New-York*, and his Possessions in those Parts.

Whitehall, Friday, the Twenty-fifth of *June*, 1680.

PRESENT,

Lord President,	Earl of *Clarendon*,
Marquis of *Worcester*,	Mr. Secretary *Jenkins*.

THE Petition of Mr. *Penn* is again read, concerning a Tract of Land to be granted him, in *America;* together with a Letter from Sir John Werden, and another from the Lord *Baltimore's* Agent, touching the same; and Mr. *Penn* being afterwards called in, is told, that it appearing by Sir *John Werden's* Letter, that Part of the Territory desired by him is already possessed by the Duke of *York*, he must apply himself to his Royal Highness, for adjusting their respective Pretensions; and Mr. *Penn* being also acquainted with the Matter of the Letter from the Lord *Baltimore's* Agents, he does agree that *Sasquehannah* Fort shall be the Bounds of the Lord *Baltimore's* Province; and as to the furnishing of Arms and Ammunition to the *Indians*, Mr. *Penn* declares himself ready to submit to any Restraint their Lordships shall propose.

Whitehall, Thursday, the Fourth of *November*, 1680.

PRESENT,

Prince *Rupert*,	Earl of *Clarendon*,
Lord Privy Seal,	Earl of *Essex*,
Earl of *Bridgewater*,	Mr. *Hyde*,
Earl of *Sunderland*,	Mr. *Godolphin*,
Earl of *Halifax*,	Mr. *Chancellor of Exchequer*.

THE Petition of Mr. *Penn* is read, desiring that a Day may be appointed, for preparing a Grant unto him of Proprietary, in a Tract of Land, in *America*, upon *Delaware* River; and their Lordships appoint this Business for *Thursday* next.

Whitehall, Thursday, November 11, 1680.

PRESENT,

Lord Privy Seal,	Earl of *Bridgwater*,
Earl of *Clarendon*,	Earl of *Sunderland*,
Earl of *Halifax*,	Mr. Secretary *Jenkins*.

MR. *Attorney General* presents the Committee with his Observations upon the Draught of Mr. *Penn's* Patent.

Whitehall, Thursday, the Sixteenth of *December,* 1680.

PRESENT,

Prince *Rupert,*	Lord *Chamberlain,*
Lord Privy Seal,	Earl of *Bridgwater,*
Marquis of *Worcester,*	Lord Chief Justice *North,*
Earl of *Clarendon,*	Mr. Secretary *Jenkins,*
Earl of *Halifax,*	Mr. *Hyde.*

MR. *Penn* is called in, concerning the Patent desired by him; and upon reading the Letters from Sir *John Werden,* touching the Boundaries wherein his Royal Highness may be concerned, their Lordships think it best, for the Settlement thereof, that Sir *John Werden* be desired to attend on *Saturday* next, in the Afternoon; at which Time the Agent of the Lord *Baltimore* is likewise ordered to give his Attendance, as to what concerns his Lordship's Proprietary of *Maryland.*

Whitehall, Saturday, January 15, 1680-1.

PRESENT,

Prince *Rupert,*	Earl of *Clarendon,*
Lord Privy Seal,	Viscount *Fauconberg,*
Marquis of *Worcester,*	Mr. *Finch,*
Lord *Chamberlain,*	Lord Chief Justice *North,*
Earl of *Bridgewater,*	Mr. *Chancellor of the Exchequer*

THE Boundaries of Mr. Penn's Patent, settled by my Lord Chief Justice *North,* with the Alterations of Sir *John Werden,* were read and approved, and their Lordships appoint *Wednesday* next, at Nine in the Morning, to review the whole Patent.

Whitehall, Saturday, January 22, 1680-1.

PRESENT,

Lord Privy Seal,	Lord Chief Justice *North,*
Earl of *Clarendon,*	Mr. *Seymour,*
Mr. *Hyde,*	Mr. Secretary *Jenkins,*

UPON reading the Draught of a Patent for Mr. *Penn,* constituting him absolute Proprietary of a Tract of Land in *America,* Northerly of *Maryland;* the Lords of the Committee desire my Lord Chief Justice *North,* to take said Patent into his Consideration, and to provide, by fit Clauses therein, that all Acts of Sovereignty as to Peace and War be reserved unto the King that all Acts of Parliament, concerning

Trade and Navigation, and his Majesty's Customs, be duly observed; and in general, that the Patent be so drawn, that it may consist with the King's Interest and Service, and give sufficient Encouragement to Planters to settle under it.

A Paper being also read, wherein my Lord Bishop of *London* desires, that Mr. *Penn* be obliged, by his Patent, to admit a Chaplain, of his Lordship's Appointment, upon the Request of any Number of Planters; the same is also referred to my Lord Chief Justice *North*.

Whitehall, Thursday, February 24, 1680-1.

PRESENT,

Lord President, Earl of *Clarendon*,
Earl of *Conway*, Earl of Chesterfield,
Mr. Secretary *Jenkins*.

A DRAUGHT of a Patent for Mr. *Penn*, is read; and there being a Blank left for the Name, their Lordships agree to leave the Nomination of it to the King.

The Lord Bishop of *London* is desired to prepare the Draught of a Law to be passed in this Country, for the settling of the Protestant Religion.

Copies of Letters, Reports, &c. *between the Board of Trade, Mr.* Penn, *Lord* Baltimore, *and Sir* John Werden, *in Behalf of the Duke of* York, *in the Year* 1680; *previous to the Grant of* Pennsylvania: *Also the Settlement of the* Pennsylvania *Bounds by the Lord Chief Justice* North.

Council Chamber, June 14, 1680.

To Sir John Werden, *about Mr.* Penn.

SIR,

THE Right Honourable the Lords of the Committee for Trade and Plantations, having received a Petition of Mr. *Penn*, referred unto them by an Order from his Majesty, concerning a Tract of Land in the *North* Part of *America*, which he would undertake to settle, and render it a profitable Plantation to the Crown; but their Lordships have not thought fit to take any Resolution thereon, before they had first consulted you, in Relation to the Proprietary of His Royal Highness in those Parts; and do therefore command me to

send you a Copy of his Petition here enclosed, with their Desire, that you would report unto them, whether such a Plantation or Settlement would any ways intrench upon the Patent of his Royal Highness, or otherwise prejudice the same.

I am,

To Sir John Werden, *about Mr.* Penn.

Maryland.....if we were enabled thereunto by a Grant from his .....

Whereupon their Lordships, taking Notice of the Neighbourhood of *Maryland*, to the Country he desires to plant, have thought fit to order a Copy of the Petition to be sent you, or such others, as are employed here in Behalf of the Lord *Baltimore*, to the End you may acquaint them.

St. James's, *June* 23, 1680.

For William Blaythwaite, *Esq; Secretary to the Right Honourable the Lords Commissioners for Trade and Plantations, at* Whitehall.

SIR,

I HAD answered your Letter of the 14th Instant sooner, but that my going to *Windsor* just when I received it, hindered me then, and also made me think it proper to acquaint the Duke with the Contents of it first; what I have now to say, is this, That by all which I can observe of the Boundaries mentioned in Mr. *Penn's* Petition, they agree well enough with that Colony or Plantation, which hath been hitherto (ever since the Conquest of *New-York*, by Colonel *Nicholls)* held as an Appendix, and Part of the Government of *New-York*, by the Name of *Delaware Colony*, or more particularly *Newcastle Colony*, that being the Name of a principal Place in it; the Whole being planted promiscuously by *Swedes, Finlanders, Dutch, and English;* all which hath been actually under the Government of his Royal Highness's Lieutenant at *New-York* hitherto: but what are its proper Boundaries (those of Latitude and Longitude, being so very little known, or so ill observed, as Experience tells us, in all the *West Indies)* I am not able to say: If this be what Mr. *Penn* would have, I presume the Right Honourable the Lords of the Committee for Trade and Plantations, will not encourage his Pretensions to it, because of what is mentioned, which

plainly shew the Duke's Right preferable to all others (under his Majesty's good Liking) tho' it should not prove to be strictly within the Limits of the Duke's Patent; but if it be any other Parcel of Land unimprov'd, in those Parts, which is without all other Patents, and not interfering with the Possessions of his Majesty's Subjects already settled there, I humbly submit to their Lordships, how far they may think convenient (under fitting Restrictions and Qualifications to tie up the Government of such new Colonies, as near as may be, to the Laws of *England)* to recommend the Petitioner's Request to his Majesty; thus I think I have, as far as I am able at present, fully answered your Letter upon this Subject; so I remain,

Sir, your most affectionate Friend and Servant,

JO. WERDEN.

From my Lord Baltimore's *Agents about Mr.* Penn's *Pretensions, received the same Day.*

SIR,

IN Answer to Yours, in reference to Mr. *Penn's* Petition, some Things are thought proper to be offered, in respect to the particular Concern of my Lord *Baltimore*, and something in reference to the Publick, on his Lordship's Behalf.

It is desired, that if the Grant pass unto Mr. *Penn*, of the Lands petitioned for by him, in *America*, that it may be expressed to be Land that shall lie *North* of *Sasquehannah Fort*, and *North* of all Lands in a direct Line between the said Fort and *Delaware* River; and also *North* of all Lands upon a direct Line *Westward* from the said Fort; for that Fort is the Boundary of *Maryland, Northward.* It is further desired, that there may be contained general Words of Restriction, as to any Interest granted to the Lord *Baltimore*, and saving to him all Right granted: It is also prayed, that my Lord's Council may have a Sight of the Grant, before it pass.

On the publick Account, it is offered, that some due Caution be provided, that no Arms, Powder, Shot, or Ammunition, be sold, by any that shall settle in this new Plantation, to the *Indians*, or Natives; for hereby a common Mischief may happen unto all his Majesty's neighbouring Plantations.

This, with our Thanks on my Lord *Baltimore's* Behalf, for your Care on him, is all at present, from

Sir, your humble Servants,

BARNABY DUNCH,
RICHARD BURK.

Whitehall, October 16, 1680.

For my honour'd Friend, William Blaythwaite, *Esq; Secretary to the Right Honourable the Lords Commissioners for Trade and foreign Plantations.*

SIR,

YOU heretofore wrote to me, touching Mr. *William Penn's* Petition, then before the Right Honourable the Lords Commissioners for Trade and foreign Plantations; to which I answered you, as at that Time I was obliged to do: Since then, Mr. *Penn* hath represented to the Duke his Case and Circumstances, in relation to the Reason he hath to expect Favour from his Majesty, touching that Request of his, to be such, as that his Royal Highness commands me to let you know, in order to your informing their Lordships of it, that he is very willing Mr. *Penn's* Request may meet with Success; that is, that he may have a Grant of the Tract of Land, which lies on the *North* of *Newcastle Colony,* Part of *Delaware,* and on the *West* Side of *Delaware* River, beginning about the Latitude of 40 Degrees, and extending *Northwards* and *Westwards,* as far as his Majesty pleaseth, under such Regulations as their Lordships shall think fit.

Sir, your very humble Servant,

JO. WERDEN.

Council Chamber, the Eighth of *November,* 1680.

To Mr. Attorney General.

SIR,

HIS Majesty having referred the Petition of Mr. *William Penn* unto the Lords of the Committee for Plantations, wherein he prays his Majesty to grant him a Tract of Land in *America,* for the Settling a Colony and Plantation there; and their Lordships having received from him the inclosed Draught of a Grant, which he desires may pass to him, for the Government of that Colony, have commanded me to

signify their Desire to you, that, upon Consideration of the Powers therein proposed, you report unto them, whether you have any Thing to object against the same, their Lordships being to meet again upon the Business on *Thursday* next, at Four in the Afternoon.

Council Chamber, the Eighteenth of *November*, 1680.

To Sir John Werden, *about Mr.* Penn's *Patent.*

SIR,

I FORMERLY sent you the Petition of Mr. *Penn*, touching a Tract of Land, joining to *New-York;* and received your Answer thereupon, which I presented to the Lords of the Committee of Plantations; and now send you, by their Lordships Order, an Extract of so much of the Patent which he is solliciting, as concerns the Boundaries, to the End you may make your Objections to it, in Behalf of his Royal Highness, if you see Cause, the Committee having appointed to take this Business into their further Consideration on *Tuesday* next, at Four in the Afternoon.

Council Chamber, the Eighteenth of *November*, 1680.

To the Agents of the Lord Baltimore, *about Mr.* Penn's *Grant.*

Gentlemen,

ON the Fourteenth of *June* last, I sent you, by Order of the Lords of the Committee for Plantations, the Petition of Mr. *Penn*, who prays a Charter, for making a Settlement Northerly of *Maryland;* and I received your Answer, in Behalf of my Lord *Baltimore*, on the Twenty-third following, which I accordingly laid before the committee; since which Time their Lordships have perused the Draught of Letters Patent, which Mr. *Penn* desires to have pass unto him, and which, he alledges; was put into your Hands, according to their Directions, in order to receive your Objections, if you had any to make; wherefore their Lordships command me to give you Notice of the Meeting of a Committee on *Tuesday* next, at Four in the Afternoon, for the further Consideration of this Business; and that, in case you have nothing more to offer to their Lordships at that Time, they will thereupon take their final Resolution concerning the said Patent.

I am,

St. *James's*, the Twentieth of *November*, 1680.

For my honour'd Friend, William Blaythwaite, *Esq; Secretary to the Right Honourable the Lords Commissioners for Trade and foreign Planations.*

SIR,

AT Two of the Clock this Day, I met with your Letter to me, of the 18th Instant, and a Copy in it (which I here return you) of some Part of Mr. *Penn's* Patent for Land in *America*.

I am to first premise to you, that in Cases of this Nature, it were most proper to have the Advice of Council learned in the Laws, for settling the Boundaries of any new Patent, which may be liable to encroach on those of another's Possession; but in regard I remember well the Duke's Directions, expressed in a former Letter from me to you, by his Royal Highness's Order, dated the 16th of *October*, 1680, I shall frankly tell you my Thoughts thereupon, *viz.* That I believe the Description by Lines of Longitude (especially) and of Latitude, are very uncertain, and so also is it, under what Meridian the Head of *Delaware* River lies which I do believe hath never yet been observed by any careful artist, But it being the Duke's intention that Mr. Penn's Grant be bounded on the East Side by Delaware River, and that his *South* Limits be twenty or thirty Miles beyond *Newcastle* (which Colony of *Newcastle* is *Northwards*, and distinct, from *Maryland*, that being under the Jurisdiction of Lord *Baltimore)* which Extent *Northwards* of *Newcastle Colony*, we guess, may reach as far as the Beginning of the fortiety Degree of Latitude; therefore if Mr. *Penn's* Patent be so worded as to leave *Newcastle* twenty or thirty Miles beyond it free, and to be bounded on the *East* by *Delaware* River, I think this is all the Caution that needs as to the Duke, who will not concern himself how far *North* or *West* Mr. *Penn's* Patent takes in.

I am, Sir your very affectionate Friend and Servant,

JO. WERDEN.

St. *James's*, the Twenty-third of *November*, 1680.

For my honour'd Friend, William Blaythwaite, *Esq; Secretary to the Right Honourable the Lords Commissioners for Trade and foreign Plantations.*

SIR,

MR. *Penn* having often fallen to Discourse with me, of

his Concerns in *America*, since I wrote to you on *Saturday*, I have told him the Substance of what I wrote, and he seems to fear, that if his *South* Limits be rightly set at twenty or thirty Miles *North* from *Newcastle* Town, he shall have so little of the River left, as very much to prevent the Hopes he hath of improving the rest within his Patent; but, on the other Side, he is willing, that twelve *English* Miles *North* of *Newcastle*, be his Boundary, and believes the Distance will fall under the Beginning of the fortieth Degree of Latitude; I have already signified to you, all I know of the Duke's Mind herein, which is, in general, to keep some convenient Distance from *Newcastle*, *Northwards*, for a Boundary to that Colony. But I confess I do not understand, why it is precisely necessary to insist on just such a Number of Miles, more or less, in a Country of which we know so little, and when all the Benefits are intended to this Patentee which others enjoy; so as I submit this Point to their Lordships Consideration, and do not think it material to add more at present, from

Your very affectionate Friend and Servant,

JO. WERDEN.

Council Chamber, the Sixteenth of *December*, 1680.

Summons to the Lord Baltimore's *Agent*, *Mr.* Burk: *And to Sir* John Werden, *about Mr.* Penn's *Patent.*

SIR,

THE Right Honourable the Lords of the Committee for Trade and foreign Plantations, have appointed to hear the Exceptions of my Lord *Baltimore*, against the Draught of Mr. *Penn's* Patent, formerly sent you, on *Saturday*, the 18th Instant at Four in the Afternoon; and you are desired not to fail in your Attendance at the Time, their Lordships being then resolved to proceed to a Resolution in that Matter.

I am,

Mr. *Burk*,

SIR,

THE Lords of the Committee of Trade and Plantations, find it necessary in order to the Settlement of Mr. *Penn's* Patent, to discourse with you, concerning it; and have therefore commanded me, to desire you to attend on *Saturday* the 18th Instant, at Four in the Afternoon.

Mr. Penn's *Boundaries Settled by Lord Chief Justice* North. ....'as the same is bounded on the *East* by *Delaware*, from the twelve Miles Distance *Northward* of *Newcastle* Town, Beginning of the Fortieth Degree of *Northern* Latitude, unto the Three and Fortieth Degree of *Northern* Latitude, if the said River doth extend so far *Northward;* but if the said River shall not extend so far *Northward*, then by the said River, so far as it doth extend; and from the Head of the said River, the *Eastern* Bounds are to be determined by a Meridian Line, to be drawn from the Head of the said River, unto the said Three and Fortieth Degree; the said Lands to extend *Westward* five Degrees in Longitude, to be computed from the said *Eastern* Bounds; and the said Lands are bounded on the *North* by the Beginning of the Three and Fortieth Degree of Northern Latitude, and on a Circle drawn at twelve Miles Distance from *Newcastle, Northwards* and Westwards, unto the *South*, by the Beginning of the Fortieth Degree of *Northern* Latitude; another by a straight Line *Westward*, to the Limit of Longitude abovementioned, excepting all Lands within twelve Miles of the Town of *Newcastle*, that shall happen to lie within the said Bounds, now in the Possession of his Royal Highness, or his Tenants or Assigns.' *Letter from the* Attorney-General, *about Mr.* Penn's *Patent. May it please your Lordships,*

I HAVE considered the Petition of Mr. *William Penn*, praying his Majesty to grant unto him a Tract of Land, in *America*, lying *North* of *Maryland*, bounded on the *East*, by *Delaware* Bay; to the *Westward*, by the *Indian* Countries, as *Maryland;* and do not find, that such Boundaries do intrench upon the Lord *Baltimore's* Province of *Maryland*, which is bounded *Southward*, by a Part of *Virginia; Eastward*, by the Main Ocean, and *Delaware* River; and *Northward*, by a Part of *Delaware* River that lieth in the Fortieth Degree of Latitude; and so by a direct Line *Westward*, through the Continent.

And the Patent granted to his Royal Highness, of *New-York*, being bounded *Westward*, by the *East* Side of *Delaware* Bay, is sufficiently distinguished from the Grant desired by Mr. *Penn*, which is bounded *Eastwardly*, by *Delaware* Bay or River; so that the Tract of Land desired by Mr. *Penn*, seems to be undisposed of by his Majesty, except the imaginary Lines of *New-England* Patents, which are bounded Westerly by the Main Ocean, should give them a Recal, though impracticable to all those vast Territories.

But I am further to offer unto your Lordships, that there

are several *Dutch* and *Swedish* Plantations, which have been under the *English* Government, that lie scattered on the *Westward* of *Delaware* River, and some of them perhaps within the Bounds of Mr. *Penn's* Petition, and have, for a long Time, either acknowledged the Protection of his Royal Highness, who took them from the *Dutch*, upon the Conquest of *New-York*, or of the Lord *Baltimore*, near whose Borders they are settled; and how far Mr. *Penn's* Grant may, in this Consideration, concern his Neighbours, is most humbly submitted to your Lordships.

Report of Mr. Penn's *Patent.*

May it please your Majesty,

IN Obedience to your Majesty's Order, signified unto us by the Earl of *Sunderland*, on the First of *June* last, we had prepared the Draught of a Charter, constituting *William Penn*, Esq; absolute Proprietary of a Tract of Land in *America*, therein mentioned, which we humbly present to your Majesty, for your royal Approbation, leaving also the naming of the said Province to your Majesty, which is most humbly submitted.

Extract of the Proceedings of the Committee of Trade and Plantations in the Council Chamber at Whitehall,

Tuesday, April 17, 1683.

PRESENT,

Lord Keeper,	Lord Viscount *Fauconberg,*
Lord President,	Earl of *Rochester,*
Lord Privy Seal,	Lord Bishop of *London,*
Earl of *Craven,*	Mr. Secretary *Jenkins.*

My *Lord Privy Seal* produces a Letter to himself from the Lord *Baltimore*, dated the Eighth of *February*, 1682, with two other Papers inclosed, the one being an Account of the Conference held in *Maryland*, between my Lord *Baltimore*, and *William Penn;* and the other containing a Narrative of the whole Proceedings betwixt them; whereby it appears, that great Contests have arisen between them, concerning the Bounds of their Provinces; it being also alledged therein, that Mr. *Penn* has written a Letter, dated the Sixteenth of *September*, 1681, which was directed, *To* James Frisby, *and others, at their Plantations, in* Pennsylvania; which the Lord

Baltimore does assert to be within the Bounds of his Proprietary; wherein Mr. *Penn* does nevertheless advise them, that as he was confident and ready to believe they were within his Bounds, they should not pay any more Sessments or Taxes, by any Order or Law of *Maryland;* whereupon the Inhabitants of *Baltimore* and *Cecil* Counties having refused to pay their Levies, the Lord *Baltimore*, and his Council, had immediately issued out Orders to the Military Officers of those Counties, to assist their respective Sheriffs in the due Execution of their Office, which had been with great Difficulty effected. Whereupon it is ordered, that My *Lord Keeper* have a View of the several Boundaries of the Patents, granted to the Lord *Baltimore*, and Mr. *Penn*, as also to his Royal Highness, of *Newcastle;* which his Lordship is desired to consider of, and to report his Opinion to the next Committee, when the Agents of the Lord *Baltimore*, and Mr. *Penn*, are to attend; and in the mean time, that Application be made to his Royal Highness, that he would please not to pass any Conveyance to Mr. *Penn*, of those Parts, until the Bounds between the Lord *Baltimore* and him are settled. It is also agreed by the Committee, that Letters be written to the Lord *Baltimore*, and Mr. *Penn*, advising them to come to a fair and speedy Composure of the Matters in Difference between them.

Friday, April 27, 1683.

PRESENT,

Lord Keeper,	Earl of *Sunderland*,
Lord President,	Earl of *Chesterfield*,
Duke of *Ormond*,	Earl of *Craven*,
Earl of *Clarendon*,	Mr. Secretary *Jenkins*,
Lord Chamberlain,	Mr. *Chancellor of Exchequer*,
Earl of *Rochester*,	

THEIR Lordships being acquainted that an Agent from the Lord *Baltimore* attended without, concerning the Boundaries in Difference between Mr. *Penn* and his Lordship; it is ordered, that the said Agent be told, that if he has any Matter of Complaint, he may represent the same, by Petition, to his Majesty in Council.

Thursday, May 30, 1683.

PRESENT,

Lord Keeper,	Earl of *Clarendon,*
Lord President,	Earl of *Rochester,*
Lord Privy Seal,	Lord *Dartmouth,*
Earl of *Peterborough,*	Mr. Secretary *Jenkins.*
Earl of *Craven,*	

A REFERENCE, dated the Thirty-first of May, upon the Petition of *Richard Burk*, Servant to my Lord *Baltimore*, being read, praying that a Grant, which is passing to his Royal Highness, of the Parts adjacent to *Delaware* Bay, may not pass the Great Seal, until his Majesty shall be satisfied concerning the Extent of Lands granted to the Lord *Baltimore.*

Counsel learned, in Behalf of his Royal Highness, together with an Agent from Mr. *Penn*, who sollicits the Passing of this Grant; as also the Petitioner, Mr. *Burk*, and his Counsel learned, are called in: Whereupon the Counsel for my Lord *Baltimore*, affirming that the Tract of Land in Question, lies within the Limits of the Charter granted to the Lord *Baltimore*, and that his Lordship has always continued his Claim thereunto; Mr. *Penn's* Agent, and the Counsel in Behalf of his Royal Highness, endeavored to make out, that this Territory was never possessed by my Lord *Baltimore*, but originally inhabited by *Dutch* and *Swedes;* and that the Grant to my Lord *Baltimore*, was only of Lands not inhabited by Christians; so that a Surrender having been made to his Majesty in 1664, the Lord *Baltimore* can have no rightful Claim thereunto; and that it having been ever since in the Possession of his Royal Highness, the Lord *Baltimore* can receive no injury by the Grant that is desired. Upon the whole Matter, Mr. *Penn's* Agent undertaking to prove within a short Time, that this Country was possessed by the *Dutch* and *Swedes*, in the Year 1609, or at least, before the Date of the Lord *Baltimore's* Patent, their Lordships agreed to meet again as soon as the Proofs shall be ready for making out the same.

Tuesday, June 12, 1683.

PRESENT,

Lord Archbishop of *Canterbury,*	Earl of *Craven*
Lord Keeper,	Lord Bishop of *London,*
Lord President,	Lord *Dartmouth,*
Lord Privy Seal	Mr. *Chancellor of Exchequer,*
Earl of *Rochester,*	Mr. *Godolphin.*

THE Agents on Behalf of the Lord *Baltimore*, and Mr. *Penn*, are called in, and Counsel learned being heard on both Sides, the Question is stated between them, *viz.* Whether in the Year 1632, the *Dutch* were possessed of the Land claimed by Mr. *Penn*, which Mr. *Penn's* Agent undertakes to prove in a short Time? and their Lordships will then take this Matter into further Consideration.

Tuesday, February 12, 1683-4.

PRESENT,

Lord Keeper,	Mr. Secretary *Jenkins*.
Earl of *Bridgewater*,	Earl of *Clarendon*,

UPON reading a Paper, delivered by the Agent of Mr. *Penn*, Proprietary of *Pennsylvania*, wherein it is desired, that a Day may be appointed to hear the Difference between the Lord *Baltimore*, and the said *William Penn*, touching a certain Tract of Land in *America*, now in the possession of his Royal Highness; their Lordships take Notice of a Letter lately received from the Lord *Baltimore*, wherein his Lordship desires that the Hearing of this Matter may be deferred till *April* next, when he intends to come into *England;* whereupon it is agreed, that this Business be postponed until the Month of *April* next, unless the Agent of the Lord *Baltimore* be ready to bring the Matter in Difference to a Hearing before that time.

Wednesday, July 2, 1684.

PRESENT,

Lord Keeper,	Earl of *Rochester*,
Lord President,	Lord Viscount *Fauconberg*,
Lord Privy Seal,	Lord *Dartmouth*
Duke of *Beaufort*,	Sir L. *Jenkins*.

A LETTER from Sir *Edward Herbert*, Sollicitor to his Royal Highness, being read, representing the Prejudice that his Royal Highness may suffer by a further Delay of the Business now depending before their Lordships, between Mr. *Penn*, Lessee to his Royal Highness, and the Lord *Baltimore*, for the Lands on *Delaware*.

Whereupon their Lordships order, that the Lord *Baltimore's* Agent have Notice, to attend on *Wednesday*, the Sixteenth Instant.

Wednesday, July 16, 1684.

PRESENT,

Lord Archbishop of *Canterbury*, Earl of *Rochester*,
Lord Keeper, Lord Bishop of *London*,
Lord Privy Seal, Lord *Dartmouth*,
Earl of *Craven*, Mr. *Chancellor of Exchequer*.
Earl of *Nottingham*,

THE Agents of my Lord *Baltimore*, and Mr. *Penn*, attending, their Lordships appoint to take the Matter in Difference between them into farther Consideration on *Wednesday* next, at Four in the Afternoon, at which Time all Parties are to attend.

Wednesday, July 23, 1684.

PRESENT,

Lord Keeper, Earl of *Rochester*,
Lord President, Mr. Secretary *Godolphin*,
Lord Privy Seal, Sir L. *Jenkins*,
Earl of *Craven*, Mr. *Chancellor of Exchequer*.

MY Lord *Baltimore* attending upon the Difference between his Lordship and Mr. *Penn*, touching the Boundaries of *Maryland* and *Pennsylvania*, his Lordship, and Mr. *Ford*, Agent for Mr. *Penn*, are called in, and Mr. *Ford* declaring that he could not be ready for hearing, because Sir *Edward Herbert*, Sollicitor to his Royal Highness, whose Lessee Mr. *Penn* is, was gone upon his Circuit, and that he could not get other learned Counsel; their Lordships appoint this Matter to be heard the first Tuesday after *Michaelmas*, at which Time all Parties are to be ready, with their Proofs and Evidences of their Right.

Tuesday, September 30, 1684.

PRESENT,

Lord Keeper, Earl of *Sunderland*,
Earl of *Rochester*, Earl of *Clarendon*,
Lord President of his Majesty's Council, Earl of *Craven*.
Lord Privy Seal,

MY Lord *Baltimore*, and the Commissioners of his Royal Highness, under whom Mr. *Penn* claims a Tract of Land about *Newcastle*, in the Province of *Delaware*, together with their Counsel learned, are called in; and it being alledged by Sir *Edward Herbert*, his Royal Highness's, Sollicitor, that the Proofs in this Case depend chiefly upon Mr. *Penn's* coming into *England*, where he was soon expected; their Lordships appoint the Business to be heard the ninth Day of *December* next, at which Day Mr. *Penn* is expected here.

Tuesday, December 9, 1684.

PRESENT,

Lord Keeper,	Earl of *Craven,*
Earl of *Huntingdon,*	Earl of *Middleton,*
Earl of *Bridgewater,*	Lord Viscount *Fauconberg.*
Earl of *Sunderland,*	

THE Difference depending between my Lord *Baltimore* and Mr. *Penn*, being appointed to be heard this Day, is put off to another Time.

Tuesday, March 17, 1684-5.

PRESENT,

Lord Keeper,	Earl of *Craven,*
Lord President,	Earl of *Aylesbury,*
Lord Privy Seal,	Lord Viscount *Fauconberg,*
Duke of *Beaufort,*	Lord *Godolphin,*
Earl of *Sunderland,*	Mr. *Chancellor of the Dutchy.*

A LETTER from Mr. *Penn*, dated this Day, is read, praying that he may have an Order for quieting the Possession of the Lands in *Delaware*, as his Majesty had placed it, till the Difference between Mr. *Penn*, and the Lord *Baltimore*, be heard; but their Lordships do not think fit to do any Thing therein.

Tuesday, August 18, 1685.

PRESENT,

Lord Treasurer,	Earl of *Middleton,*
Lord President,	Lord *Godolphin,*
Earl of *Bridgewater,*	Earl of *Craven,*
Earl of *Sunderland,*	Mr. *Chancellor of the Dutchy.*

UPON the Petition of *William Penn*, Esq; referred to the Committee, setting forth, that the Difference between my Lord *Baltimore* and the Petitioner, is about a Title of Land, and not of Power, and so not the Question of the *Quo Warranto*, issued against my Lord *Baltimore;* and therefore praying, that a short Day may be set, for hearing and determining the same; their Lordships appoint to hear the Difference between the Lord *Baltimore*, and the Petitioner, concerning the Boundaries and Title of Soil in *America*, on *Wednesday*, the Twenty-sixth of this Month, at Four in the Afternoon, and order Notice thereof to be given to both Parties accordingly.

Wednesday, August 26, 1685.

PRESENT,

Lord Treasurer,	Lord Viscount *Fauconberg*,
Lord President,	Lord Bishop of *London*,
Earl of *Bridgewater*,	Earl of *Middleton*,
Earl of *Craven*,	Mr. *Chancellor of the Dutchy*.
Earl of *Nottingham*,	

THE Lord *Baltimore* and Mr. *Penn* attending upon the Differences between them touching Boundaries, and Title of Soil in *America*, are called in; and their Lordships appoint to hear this Business on *Tuesday*, the Second of next Month, when both Parties agreed to attend, with their Counsel.

Tuesday, September 2, 1685.

PRESENT,

Lord President,	Earl of *Craven*,
Lord Privy Seal,	Earl of *Middleton*,
Earl of *Bridgewater*,	Lord Viscount *Fauconberg*,

THE Lord *Baltimore*, and *William Penn*, Esq; attending this Day, according to Order, upon the Difference between them, and the Boundaries of Land and Title of Soil in *America;* and *William Penn* having produced divers Proofs, to make out that the County of *Delaware* was inhabited by the *Swedes* and *Dutch*, before the Date of the Lord *Baltimore's* Patent, it is thought fit, that Copies be given to the Lord *Baltimore*, of the said Evidences and Proofs, that his Lordship may be prepared to make his further Defence, before the Thirtieth of this Instant, on which Day their Lordships resolve to take this Matter again into Consideration.

Thursday, October 8, 1685.

PRESENT,

Lord *Jefferys*,	*Lord Chamberlain*,
Lord High Chancellor of *England*,	Earl of *Sunderland*,
Lord Treasurer,	Earl of *Craven*,
Lord President,	Lord Bishop of *London*,
Lord Privy Seal,	*Master of the Ordinance*.
Earl of *Mulgrave*.	

MY Lord *Baltimore* and Mr. *Penn*, attending, are called in; and both Parties being heard, my Lord *Baltimore* gives their Lordships an Account, that in the Year 1642, one

Pleyden, sailed up *Delaware* River, and did not see any House there at that Time, as is affirmed by a Deposition produced by Mr. *Penn*, and a Copy of the Report of the Commissioners of foreign Plantations, on the Fourth of *April*, 1638, touching the Differences between the Lord *Baltimore* and Mr. *Clayborne*, about the Isle of *Kent*, is offered by my Lord, shewing their Opinions, touching the Lord *Baltimore's* Right to the Isle of *Kent;* after which the Deposition of Mr. *Garret Van Sweeringen*, concerning the Seizing *Delaware* Bay and River, to the *Southward* of the Fortieth Degree of *Northern* Latitude, by the *Dutch* and *Swedes*, was read: Whereupon their Lordships think fit, that my Lord *Baltimore* procure an attested Copy of the formentioned Report against *Thursday* next, when their Lordships will take this Matter into further Consideration.

Saturday, October 17, 1685.

PRESENT,

Lord Chancellor,	Earl of *Sunderland*,
Lord Treasurer,	Earl of *Craven*,
Lord Privy Seal,	Earl of *Middleton*,
Duke of *Beaufort*,	Lord *Dartmouth*,
Lord Chamberlain,	Mr. *Chancellor of Exchequer*.

MY Lord *Baltimore* and Mr. *Penn* are called in; and my Lord *Baltimore* having undertaken to procure an authentick Copy of a Report, made by the Commissioners for foreign Plantations, on the Fourth of *April*, 1638, touching the Differences between my Lord *Baltimore's* Predecessors and *William Clayborne*, about the Isle of *Kent;* my Lord *Baltimore* declares he cannot find the Original, whereby an attested Copy may be procured, their Lordships agree to report their Opinion, That the Tract of Land now in Dispute, does not belong to my Lord *Baltimore;* but inasmuch as it yet remains doubtful what are the true Boundaries of the Land called *Delaware*, which their Lordships now adjudge to belong to his Majesty, their Lordships will meet again, for the Settlement of those Boundaries, between his Majesty and the Lord *Baltimore*, at which Time his Lordship and Mr. *Penn* are to give their Attendance, and to come prepared for a final Decision therein.

Saturday, October 31, 1685.

PRESENT,

Lord Chancellor,	Earl of *Berkley,*
Lord Privy Seal,	Earl of *Plymouth,*
Lord Chamberlain,	Earl of *Middleton,*
Earl of *Sunderland,*	Lord Viscount *Preston,*
Earl of *Craven,*	Mr. *Chancellor of Exchequer.*

My Lord *Baltimore* and Mr. *Penn*, attending, are called in; and their Lordships taking into Consideration, what might be the proper Boundaries of the Country of *Delaware*, now in Question; it is proposed, that the whole Peninsula or Tract of Land called *Delaware*, from *East* to *West*, as far as *Cape-Henlopen Southward*, may be divided into two equal Parts, between his Majesty and my Lord *Baltimore;* whereupon his Lordship desiring further Time to consider of this Proposal, the Committee allow him a Week longer, to offer his Objections.

Saturday, November 7, 1685.

PRESENT,

Lord Privy Seal,	Earl of *Middleton,*
Earl of *Bridgewater,*	Lord Viscount *Fauconberg,*
Earl of *Sunderland,*	Mr. *Chancellor of Exchequer,*
Earl of *Craven,*	Lord Chief Justice *Herbert*

MY Lord *Baltimore* and Mr. *Penn* attending concerning the Boundaries of the County of *Delaware*, are called in; and being heard, their Lordships resolve to report their Opinion to his Majesty, That, for avoiding of further Differences, the Tract of Land lying between the River and Bay of *Delaware*, and the *Eastern* Sea, on the one Side, and *Cheaspeak* Bay, on the other, be divided into two equal Parts, by a Line from the Latitude of *Cape-Henlopen*, to the Fortieth Degree of *Northern* Latitude; and that one Half thereof, lying towards the Bay of *Delaware*, and the *Eastern* Sea, be adjudged to belong to his Majesty, and that the other Half remain to the Lord *Baltimore*, as comprised within his Charter.

The CHARTER OF CHARLES the Second, of *England, Scotland, France,* and *Ireland*, KING, Defender of the Faith, &c. Unto WILLIAM PENN, Proprietary and Governor of the Province of *Pennsylvania.*

CHARLES, by the Grace of GOD, King of *England, Scotland, France*, and *Ireland*, Defender of the Faith, &c. To

all to whom these Presents shall come, *Greeting.* WHEREAS Our Trusty and well-beloved Subject WILLIAM PENN, Esq; Son and Heir of Sir WILLIAM PENN deceased (out of a commendable Desire to enlarge our *English* Empire, and promote such useful Commodities as may be of Benefit to us and our Dominions, as also to reduce the Savage Natives by gentle and just Manners, to the Love of Civil Society and Christian Religion) hath humbly besought Leave of Us to transport an ample Colony unto a certain Country herein after described, in the Parts of *America*, not yet cultivated and planted; and hath likewise so humbly besought Our Royal Majesty to Give, Grant, and Confirm all the said Country, with certain Privileges and Jurisdictions, requisite for the good Government, and Safety of the said Country and Colony, to him and his Heirs for ever.

SECTION I.

KNOW YE THEREFORE, That we (favouring the Petition and good Purpose of the said *William Penn*, and having Regard to the Memory and Merits of his late Father in divers Services, and particularly, to his Conduct, Courage and Discretion under our dearest Brother *JAMES*, Duke of *York*, in that signal Battle and Victory fought and obtained against the *Dutch* Fleet, commanded by the Heer *Van Opdam*, in the Year 1665: In Consideration thereof, of our special Grace, certain Knowledge, and meer Motion) have Given and Granted, and by this Our present Charter, for Us, Our Heirs and Successors, do Give and Grant unto the said *William Penn*, his Heirs and Assigns, all that Tract or Part of Land in *America*, with the Islands therein contained, as the same is bounded on the *East* by *Delaware* River, from twelve Miles Distance *Northwards* of *Newcastle* Town, unto the Three and Fortieth Degree of *Northern* Latitude, if the said River doth extend so far *Northward:* But if the said River shall not extend so far *Northward*, then by the said River so far as it doth extend, and from the Head of the said River the *Eastern* Bounds are to be determined by a Meridian Line, to be drawn from the Head of the said River, unto the said Forty-third Degree. The said Land to extend *Westward* five Degrees in Longitude, to be computed from the said *Eastern* Bounds; and the said Lands to be bounded on the *North* by the Beginning of the Three and Fortieth Degree of *Northern Latitude*, and on the *South* by a Circle drawn at twelve Miles Distance from *Newcastle Northward*, and *Westward* unto the Beginning of the Fortieth Degree of *Northern*

Latitude, and then by a straight Line *Westwards* to the Limits of Longitude above mentioned.

SECTION II

WE do also Give and Grant unto the said *William Penn*, his Heirs and Assigns, the free and undisturbed Use and Continuance in, and Passage unto, and out of all and singular Ports, Harbours, Bays, Waters, Rivers, Isles, and Inlets, belonging unto, or leading to and from the Country or Islands aforesaid, and all the Soils, Lands, Fields, Woods, Underwoods, Mountains, Hills, Fenns, Isles, Lakes, Rivers, Waters, Rivulets, Bays, and Inlets situated or being within or belonging to the Limits or Bounds aforesaid, together with the Fishing of all Sorts of Fish, Whales, Sturgeon, and all Royal and other Fishes, in the Seas, Bays, Inlets, Waters, or Rivers within the Premises, and all the Fish therein taken; and also all Veins, Mines, Minerals, and Quarries, as well discovered as not discovered, of Gold, Silver, Gems, and precious Stones, and all other whatsoever, be it Stones, Metals, or of any other Thing or Matter whatsoever, found or to be found within the Country, Isles, or Limits aforesaid.

SECTION III.

AND him, the said *William Penn*, his Heirs and Assigns, We do by this Our Royal Charter, for Us, Our Heirs and Successors, Make, Create, and Constitute the True and Absolute Proprietary of the Country aforesaid, and of all other the Premisses: Saving always to Us, our Heirs and Successors, the Faith and Allegiance of the said *William Penn*, his Heirs and Assigns, and of all other Proprietaries, Tenants, and Inhabitants, that are or shall be within the Territories and Precincts aforesaid; and saving also, unto Us, Our Heirs and Successors, the Sovereignty of the aforesaid Country, to have, hold, posses, and enjoy the said Tract of Land, Country, Isles, Inlets, and other the Premises, unto the said *William Penn*, his Heirs and Assigns, to the only proper Use and Behoof of the said *William Penn*, his Heirs and Assigns, for ever, to be holden of Us, Our Heirs and Successors, Kings of *England*, as of our Castle of *Windsor* in Our County of *Berks*, in free and common Soccage, by Fealty only for all Services, and not in Capite, or by Knights Service: Yielding and paying therefore to Us, Our Heirs and Successors, Two Beaver Skins, to be delivered at our Castle of *Windsor* on the first Day of *January* in every Year: and

also the Fifth Part of all Gold and Silver Ore, which shall from time to time happen to be found within the Limits aforesaid, clear of all Charges. And of Our further Grace, certain Knowledge, and meer Motion, We have thought fit to erect, and We do hereby erect the aforesaid Country and Islands into a Province and Signiorie, and do call it *PENNSYLVANIA*, and so from henceforth will have it called.

SECTION IV.

AND forasmuch as we have hereby made and ordained the aforesaid *William Penn*, his Heirs and Assigns, the true and absolute Proprietaries of all the Lands and Dominions aforesaid, KNOW YE THEREFORE, That We (reposing special Trust and Confidence in the Fidelity, Wisdom, Justice, and provident Circumspection of the said *William Penn)* for Us, Our Heirs and Successors, do grant free, full, and absolute Power (by Virtue of these Presents) to him and his Heirs, to his and their Deputies and Lieutenants, for the good and happy Government of the said Country, to ordain, make, and enact, and under his and their Seals, to publish any Laws whatsoever, for the raising of Money for publick Uses of the said Province, or for any other End, appertaining either unto the public State, Peace, or Safety of the said County, or unto the private Utility of particular Persons, according unto their best Discretion, by and with the Advice, Assent, and Approbation of the Freemen of the said Country, or the greater Part of them, or of their Delegates or Deputies, whom for the Enacting of the said Laws, when, and as often as Need shall require, We will that the said *William Penn* and his Heirs, shall assemble in such Sort and Form, as to him and them shall seem best, and the same Laws duly to execute, unto and upon all People within the said Country and Limits thereof.

SECTION V.

AND We do likewise Give and Grant unto the said *William Penn*, and to his Heirs, and their Deputies and Lieutenants, full Power and Authority, to appoint and establish any Judges and Justices, Magistrates and other Officers whatsoever, for what Causes soever (for the Probates of Wills, and for the Granting of Administrations within the Precincts aforesaid) and with what Power soever, and in such Form as to the said *William Penn* or his Heirs shall seem most convenient: Also to remit, release, pardon, and abolish (whether before Judgment or after) all Crimes and Offences whatso-

ever committed within the said Country against the said Laws (Treason, and wilful and malicious Murder only excepted, and in those Cases to grant Reprieves, until Our Pleasure may be known therein) and to do all and every other Thing and Things, which unto the complete Establishment of Justice unto Courts and Tribunals, Forms of Judicature, and Manner of Proceedings do belong, although in these Presents express Mention be not made thereof; and by Judges by them delegated, to award Process, hold Pleas, and determine in all the said Courts and Tribunals all Actions, Suits, and Causes whatsoever, as well Criminal as Civil, Personal, Real, and Mixt; which Laws so, as aforesaid, to be published, Our Pleasure is, and so We enjoin, require, and command, shall be most absolute and available in Law; and that all the Liege People and Subjects of Us, Our Heirs and Successors, do observe and keep the same inviolable in those Parts, so far as they concern them, under the Pain therein expressed, or to be expressed. PROVIDED nevertheless, That the same Laws be consonant to Reason, and not repugnant or contrary, but (as near as conveniently may be) agreeable to the Laws and Statutes, and Rights of this Our Kingdom of *England*, and saving and reserving to Us, Our Heirs and Successors, the receiving, hearing, and determining of the Appeal and Appeals of all or any Person or Persons, of, in, or belonging to the Territories aforesaid, or touching any Judgment to be there made or given.

SECTION VI.

AND forasmuch as in the Government of so great a Country sudden Accidents do often happen, whereunto it will be necessary to apply Remedy before the Freeholders of the said Province, or their Delegates or Deputies can be assembled to the making of Laws; neither will it be convenient that instantly upon every such emergent Occasion, so great a Multitude should be called together: Therefore (for the better Government of the said Country) We will, and ordain, and by these Presents, for Us, Our Heirs and Successors, do Grant unto the said *William Penn* and his Heirs, by themselves, or by their Magistrates and Officers, in that Behalf duly to be ordained as aforesaid, to make and constitute fit and wholesome Ordinances, from time to time, within the said Country, to be kept and observed, as well for the Preservation of the Peace, as for the better Government of the People there inhabiting; and publicly to notify the same to all Persons, whom the same doth or may anywise concern. Which

Ordinances Our Will and Pleasure is, shall be observed inviolably within the said Province, under the Pains therein to be expressed, so as the said Ordinances be consonant to Reason, and be not repugnant nor contrary but (so far as conveniently may be) agreeable with the Laws of our Kingdom of *England*, and so as the said Ordinances be not extended in any Sort to bind, change, or take away the Right or Interest of any Person or Persons, for or in their life, Members Freehold. Goods or Chattels. And our farther Will and Pleasure is, That the Laws for regulating and governing of Property within the said Province, as well for the Descent and Enjoyment of Lands, as likewise for the Enjoyment and Succession of Goods and Chattels, and likewise as to Felonies, shall be and continue the same, as they shall be for the Time being by the General Course of the Law in Our Kingdom of *England*, until the said Laws shall be altered by the said *William Penn*, his Heirs or Assigns, and by the Freemen of the said Province, their Delegates or Deputies, or the greatest Part of them.

SECTION VII.

AND to the End that the said *William Penn*, or his Heirs, or other the Planters, Owners, or Inhabitants of the said Province, may not at any Time hereafter (by Misconstruction of the Power aforesaid) through Inadvertency or Design, depart from that Faith and due Allegience, which by the Laws of this our Realm of *England*, they and all Our Subjects in Our Dominions and Territories, always owe to Us, Our Heirs and Successors, by Colour of any Extent or Largeness of Powers hereby given, or pretended to be given, or by Force or Colour of any Laws hereafter to be made in the said Province, by Virtue of any such Powers; OUR farther Will and Pleasure is, That a Transcript or Duplicate of all Laws, which shall be so as aforesaid made and published within the said Province, shall, within Five Years after the making thereof, be transmitted, and delivered to the Privy Council, for the Time being of Us, Our Heirs and Successors: And if any of the said Laws, within the Space of Six Months after that they shall be so transmitted and delivered, be declared by Us, Our Heirs, and Successors, in Our or Their Privy Council, inconsistent with the Sovereignty or lawful Prerogative of Us, Our Heirs or Successors, or contrary to the Faith and Allegiance due to the Legal Government of this Realm, from the said *William Penn*, or his Heirs, or of the Planters and Inhabitants of the said Province, and that thereupon

any of the said Laws shall be adjudged and declared to be void by Us, Our Heirs and Successors, under Our or their Privy Seal, that then, and from thenceforth, such Laws, concerning which such Judgment and Declaration shall be made, shall become void: Otherwise the said Laws so transmitted, shall remain, and stand in full Force, according to the true Intent and Meaning thereof.

SECTION VIII.

FURTHERMORE, that this new Colony may the more haply increase, by the Multitude of People resorting thither; Therefore We, for Us, Our Heirs and Successors, do Give and Grant by these Presents, Power, Licence, and Liberty unto all the Liege People and Subjects, both present and future, of Us, Our Heirs and Successors (excepting those who shall be especially forbidden) to transport themselves and Families unto the said Country, with such convenient Shipping as by the Laws of this Our Kingdom of *England* they ought to use, and with fitting Provision, paying only the Customs therefore due, and there to settle themselves, dwell and inhabit, and plant, for the publick and their own private Advantage.

SECTION IX.

AND FURTHERMORE, that Our Subjects may be the rather encouraged to undertake this Expedition, with ready and cheerful Minds, KNOW YE, That We, of Our Special Grace, certain Knowledge, and meer Motion, do give and grant by Virtue of these Presents, as well unto the said *William Penn*, and his Heirs, as to all others, who shall from time to time repair unto the said Country, with a Purpose to inhabit or trade with the Natives of the said Country, full Licence to Lade and Freight in any Ports whatsoever, of Us, Our Heirs and Successors, according to the Laws made or to be made within Our Kingdom of *England*, and unto the said Country, by them, their Servants or Assigns, to transport all and singular their Goods, Wares, and Merchandizes, as likewise all Sorts of Grain whatsoever, and all other Things whatsoever, necessary for Food or Clothing, not prohibited by the Laws and Statutes of our Kingdom and Dominions to be carried out of the said Kingdom, without any Lett or Molestation of Us, Our Heirs or Successors, or of any of the Officers, of Us, Our Heirs or Successors; saving always to Us, Our Heirs and Successors, the Legal Impositions, Customs, or other Duties and Payments, for the said Wares and Merchandizes,

by any Law or Statute due or to be due to Us, our Heirs and Successors.

SECTION X.

AND We do further, for Us, Our Heirs and Successors, Give and Grant unto the said *William Penn*, his Heirs and Assigns, free and absolute Power, to divide the said Country and Islands into Towns, Hundreds and Counties, and to erect and incorporate Towns into Boroughs, and Boroughs into Cities, and to make and constitute Fairs and Markets therein, with all other convenient Privileges and Immunities, according to the Merits of the Inhabitants, and the Fitness of the Places, and to do all and every other Thing and Things touching the Premises, which to him or them shall seem meet and requisite: albeit they be such, as of their own Nature might otherwise require a more Special Commandment and Warrant, than in these Presents is expressed.

SECTION XI.

WE Will also, and by these Presents, for Us, Our Heirs and Succesors, We do Give and Grant Licence by this our Charter, unto the said *William Penn*, his Heirs and Assigns, and to all the Inhabitants and Dwellers in the Province aforesaid, both present and to come, to import or unlade, by themselves or their Servants, Factors, or Assigns, all Merchandizes and Goods whatsoever, that shall arise of the Fruits and Commodities of the said Province, either by Land or Sea, into any of the Ports of Us, Our Heirs or Successors, in Our Kingdom of *England*, and not into any other Country whatsoever: And We give him full Power to dispose of the said Goods, in the said Ports; and if Need be, within One Year next after the Unlading of the same, to lade the said Merchandize and Goods again into the same or other Ships, and to transport the same into any other Countries, either of our Dominions or Foreign, according to Law; provided always, that they pay such Customs and Impositions, Subsidies and Duties for the same, to Us, Our Heirs and Successors, as the rest of Our Subjects of Our Kingdom of *England*, for the Time being, shall be bound to pay, and do observe the Acts of Navigation, and other Laws in that Behalf made.

SECTION XII.

AND FURTHERMORE, of Our ample and special Grace, certain Knowledge, and meer Motion, We do, for Us, Our Heirs

and Successors, Grant unto the said *William Penn*, his Heirs and Assigns, full and absolute Power and Authority, to make, erect, and constitute, within the said Province, and the Isles and Inlets aforesaid, such and so many Sea-ports, Harbours, Creeks, Havens, Keys, and other Places, for Discharging and Unlading of Goods and Merchandizes out of the Ships, Boats, and other Vessels, and Landing them unto such and so many Places, and with such Rights, Jurisdictions, Liberties, and Privileges unto the said Ports belonging, as to him and them shall seem most expedient; and that all and singular the Ships, Boats, and other Vessels, which shall come for Merchandize and trade into the said Province, or out of the same, shall be laden or unladen, only at such Ports as shall be created and constituted by the said *William Penn*, his Heirs or Assigns (any Use, Custom, or Thing to the contrary notwithstanding.) Provided, that the said *William Penn*, and his Heirs, and the Lieutenants, and Governors for the Time being, shall admit and receive in, and about all such Havens, Ports, Creeks and Keys, all Officers and their Deputies, who shall from time to time be appointed for that Purpose by the Farmers or Commisioners of Our Customs for the Time being.

SECTION XIII.

AND We do further Appoint and Ordain, and by these Presents, for Us, Our Heirs and Successors, We do Grant unto the said *William Penn*, his Heirs and Assigns, That he, the said *William Penn*, his Heirs and Assigns, may from time to time for ever, have and enjoy the Customs and Subsidies, in the Ports, Harbours, and other Creeks and Places aforesaid, within the Province aforesaid, payable or due for Merchandize and Wares there to be laded and unladed, the said Customs and Subsidies to be reasonably assessed upon any Occasion, by themselves and the People there as aforesaid to be assembled, to whom We give Power, by these Presents, for Us, Our Heirs and Successors, upon just Cause, and due Proportion to assess and impose the same; saving unto Us, Our Heirs and Successors, such Impositions and Customs, as by Act of Parliament are and shall be appointed.

SECTION XIV.

AND it is Our farther Will and Pleasure, That the said *William Penn*, his Heirs and Assigns, shall from time to time constitute and appoint an Attorney or Agent, to reside in or near Our City of *London*, who shall make known the

Place where he shall dwell or may be found, unto the Clerks of Our Privy Council for the Time being, or one of them, and shall be ready to appear in any of our Courts at *Westminster*, to answer for any Misdemeanor that shall be committed, or by any wilful Default or Neglect permitted by the said *William Penn*, his Heirs or Assigns, against the Laws of Trade and Navigation; and after it shall be ascertained in any of our said Courts, what Damages We or Our Heirs or Successors shall have sustained by such Default or Neglect, the said *William Penn*, his Heirs or Assigns, shall pay the same within One Year after such Taxation, and Demand thereof, from such Attorney; or in case there shall be no such Attorney by the Space of One Year, or such Attorney shall not make Payment of such Damages within the Space of a Year, and answer such other Forfeitures and Penalties within the said Time, as by the Acts of Parliament in England are and shall be provided, according to the true Intent and Meaning of these Presents; then it shall be lawful for Us, Our Heirs and Successors, to seize and resume the Government of the said Province or Country, and the same to retain until Payment shall be made thereof: But notwithstanding any such Seizure or Resumption of the Government, nothing concerning the Propriety or Ownership of any Lands, Tenements, or other Hereditaments, or Goods or Chattels, of any of the Adventures, Planters, or Owners, other than the respective Offenders there, shall anywise be affected or molested thereby.

SECTION XV.

PROVIDED always, and Our Will and Pleasure is, That neither the said *William Penn*, nor his Heirs, or any other the Inhabitants of the said Province, shall at any Time hereafter have or maintain any Correspondence with any other King, Prince or State, or with any of their Subjects, who shall then be in War against Us, Our Heirs and Successors; nor shall the said *William Penn*, or his Heirs, or any other Inhabitants of the said Province, make War, or do any Act of Hostility against any other King, Prince, or State, or any of their Subjects, who shall then be in League or Amity with Us, Our Heirs and Successors.

SECTION XVI.

AND, because in so remote a Country, and situate near many barbarous Nations, the Incursions as well of the Savages themselves, as of other Enemies, Pirates and Robbers, may

probably be feared; Therefore We have given, and for Us, Our Heirs and Successors, do give Power by these Presents to the said *William Penn*, his Heirs and Assigns, by themselves, or their Captains, or other their Officers, to Levy, Muster and Train all Sorts of Men, of what Condition soever, or wheresoever born, in the said Province of *Pennsylvania* for the Time being, and to make War, and to pursue the Enemies and Robbers aforesaid, as well by Sea as by Land, even without the Limits of the said Province, and by God's Assistance to vanquish and take them, and being taken to put them to Death by the Law of War, or to save them at their Pleasure, and to do all and every other Thing which unto the Charge and Office of a Captain-General of an Army belongeth, or hath accustomed to belong, as fully and freely as any Captain-General of an Army hath ever had the same.

SECTION XVII.

AND FURTHERMORE, of Our Special Grace, and of Our certain Knowledge and meer Motion, We have given and granted, and by these Presents, for Us, Our Heirs, and Successors, do give and grant unto the said *William Penn*, his Heirs and Assigns, full and absolute Power, Licence and Authority, that he, the said *William Penn*, his Heirs and Assigns, from time to time hereafter for ever, at his or their own Will and Pleasure may Assign, Alien, Grant, Demise, or Enfeoff of the Premisses so many and such Parts and Parcels to him or them that shall be willing to purchase the same, as they shall think fit, to have and to hold to them the said Person and Persons willing to take and purchase, their Heirs and Assigns, in Fee-simple or Fee-tail, or for the Term of Life, Lives or Years, to be held of the said *William Penn*, his Heirs or Assigns, as of the said Seigniory of *Windsor*, by such Services, Customs or Rents, as shall seem meet to the said *William Penn*, his Heirs or Assigns, and not immediately of Us, Our Heirs or Successors.

SECTION XVIII.

AND to the same Person or Persons, and to all and every of them, We do give and grant by these Presents, for Us, Our Heirs and Successors, Licence, Authority and Power, that such Person or Persons may take the Premises, or any Parcel thereof, of the aforesaid *William Penn*, his Heirs or Assigns, and the same hold to themselves, their Heirs and Assigns, in what Estate of Inheritance soever, in Fee-simple, or in Fee-tail, or otherwise, as to him, the said *William Penn*,

his Heirs or Assigns, shall seem expedient: The Statute made in the Parliament of EDWARD, Son of King HENRY, late King of *England*, Our Predecessor (commonly called, The statute Quia Emptores Terrarum, lately published in our Kingdom of *England)* in anywise notwithstanding.

SECTION XIX.

AND by these Presents We give and grant Licence unto the said *William Penn*, and his Heirs, and likewise to all and every such Person or Persons to whom the said William Penn or his Heirs shall at any Time hereafter grant any Estate or Inheritance as aforesaid, to erect any Parcels of Land within the Province aforesaid into Manors, by and with the Licence to be first had and obtained for that Purpose, under the Hand and Seal of the said *William Penn* or his Heirs, and in every of the said Manors to have and to hold a Court-Baron, with all Things whatsoever which to a Court-Baron do belong, and to have and to hold View of Frank-Pledge for the Conservation of the Peace, and the better Government of those Parts, by themselves or their Stewards, or by the Lords for the Time being of the Manors to be deputed when they shall be erected, and in the same to use all Things belonging to the View of Frank-Pledge. AND We do further grant Licence and Authority, That every such Person or Persons who shall erect any such Manor or Manors, as aforesaid, shall or may grant all or any Part of his said Land to any Person or Persons, in Fee-simple, or any other Estate of Inheritance to be held of the said Manors respectively, so as no farther Tenure shall be created, but that upon all further or other Alienations thereafter to be made, the said Lands so aliened shall be held of the same Lord and his Heirs, of whom the Aliener did then before hold, and by the like Rents and Services which were before due and accustomed.

SECTION XX.

AND FURTHER, Our Pleasure is, and by these Presents, for Us, Our Heirs, and Successors, We do convenant and grant to and with the said *William Penn*, his Heirs and Assigns, That We, our Heirs and Successors, shall, at no Time hereafter, set or make, or cause to be set or made, any Imposition, Custom or other Taxation, Rate or Contribution whatsoever, in and upon the Dwellers and Inhabitants of the aforesaid Province, for their Lands, Tenements, Goods, or Chattels, within the said Province, or in and upon

any Goods and Merchandizes within the Province, or to be laden or unladen within the Ports or Harbours of the said Province, unless the same be with the Consent of the Proprietary, or chief Governor, or Assembly, or by Act of Parliament in *England*.

SECTION XXI.

AND Our Pleasure is, and for Us, Our Heirs and Successors, We charge and command, That this Our Declaration shall from henceforth from time to time be received and allowed in all Our Courts, and before all the Judges of Us, Our Heirs and Successors, for a sufficient lawful Discharge, Payment and Acquittance; commanding all the Officers and Ministers of Us, Our Heirs and Successors, and enjoying them upon Pain of Our Highest Displeasure, that they do not presume at any Time to attempt any Thing to the contrary of the Premises, or that do in any fort withstand the same, but that they be at all Times aiding and assisting as is fitting, to the said *William Penn*, and his Heirs, and unto the Inhabitants and Merchants of the Province aforesaid, their Servants, Ministers, Factors, and Assigns, in the full Use and Fruition of the Benefit of this Our Charter.

SECTION XXII.

AND Our farther Pleasure is, and We do hereby, for Us, Our Heirs and Successors, charge and require, That if any of the Inhabitants of the said Province, to the Number of Twenty, shall at any Time hereafter be desirous, and shall by any Writing, or by any Person deputed by them, signify such their Desire to the Bishop of *London* for the Time being, That any Preacher or Preachers, to be approved of by the said Bishop, may be sent unto them for their Instruction; That then such Preacher or Preachers shall and may reside within the said Province, without any Denial or Molestation whatsoever.

SECTION XXIII.

AND if perchance hereafter any Doubt or Question should arise, concerning the true Sense and Meaning of any Word, Clause, or Sentence contained in this our present Charter, We will, ordain, and command, That at all Times, and in all Things, such Interpretation be made thereof, and allowed in any of our Courts whatsoever, as shall be adjudged most advantageous and favourable unto the said *William Penn*, his Heirs and Assigns: Provided always no Interpretation be admitted thereof by which the Allegiance due unto Us, Our Heirs

and Successors, may suffer any Prejudice or Diminution; although express Mention be not made in these Presents of the true yearly Value, or Certainty of the Premisses, or any Part thereof, or of other Gifts and Grants made by Us and Our Progenitors or Predecessors unto the said *William Penn:* Any Statute, Act, Ordinance, Provision, Proclamation, or Restraint heretofore had, made, published, ordained or provided, or any other Thing, Cause or Matter whatsoever, to the contrary thereof in anywise notwithstanding. IN WITNESS whereof, We have caused these Our Letters to be made Patent: Witness OURSELF, at *Westminster*, the fourth Day of *March*, in the Three and Thirtieth Yeary of Our Reign, *Annoque Domini*, *One Thousand Six Hundred* and *Eighty-one.*

By Writ of Privy Seal,

PIGOTT.

The King's DECLARATION *to the Inhabitants and Planters of the Province of* Pennsylvania.

CHARLES, R.

WHEREAS his Majesty in Consideration of the great Merit and faithful Services of Sir *William Penn*, deceased, and for divers other good Causes, him thereunto moving, hath been graciously pleased, by Letters Patents, bearing Date the fourth Day of *March* last past, to Give and Grant unto *William Penn*, Esq; Son and Heir of the said Sir *William Penn*, all that Tract of Land in *America*, called by the Name of PENNSYLVANIA, as the same is bounded on the *East* by *Delaware* River, from Twelve Miles Distance *Northwards* of *Newcastle* Town, unto the Three and Fortieth Degree of *Northern* Latitude, if the said River doth extend so far *Northwards*, and if the said River shall not extend so far *Northward*, then by the said River so far as it doth extend: And from the Head of the said River, the *Eastern* Bounds to be determined by a Meridian Line to be drawn from the Head of the said River unto the said Three and Fortieth Degree; the said Province to extend *Westward* five Degrees in Longitude, to be computed from the said *Eastern* Bounds, and to be bounded on the *North* by the Beginning of the Three and Fortieth Degree of *Northern* Latitude, and on the *South* by a Circle drawn at Twelve Miles Distance from *Newcastle Northwards*, and *Westwards* unto the Beginning of the Fortieth Degree of *Northern* Latitude,

and then by a straight Line *Westwards* to the Limit of Longitude above mentioned, together with all Powers, Prehemineences and Jurisdictions, necessary for the Government of the said Province, as by the said Letters, Patents, Reference being thereunto had, doth more at large appear.

His Majesty doth therefore hereby publish and declare his Royal Will and Pleasure, That all Persons settled or inhabiting within the Limits of the said Province, do yield all due Obedience to the said *William Penn*, his Heirs and Assigns, as absolute Proprietaries and Governors thereof, as also to the Deputy or Deputies, Agents or Lieutenants, lawfully commissionated by him or them, according to the Powers and Authorities granted by the said Letters Patents: Wherewith his Majesty expects and requires a ready Compliance from all Persons whom it may concern, as they tender his Majesty's Displeasure.

Given at the Court at White-hall *the Second Day of* April, 1681. *In the Three and Thirtieth Year of Our Reign.*

By His Majesty's Command,

CONWAY.

Certain CONDITIONS *or* CONCESSIONS *agreed upon by* William Penn, *Proprietary and Governor of the Province of* Pennsylvania, *and those who are the Adventurers and Purchasers in the same Province, the Eleventh of* July, *One Thousand Six Hundred and Eighty-one.*

First.

THAT so soon as it pleaseth God, that the abovesaid Persons arrive there, a certain Quantity of Land or Ground Plat, shall be laid out for a large Town or City, in the most convenient Place upon the River for Health and Navigation; and every Purchaser and Adventurer, shall by Lot, have so much Land therein as will answer to the Proportion which he hath bought or taken up upon Rent: But it is to be noted, that the Surveyors shall consider what Roads or High-ways will be necessary to the Cities, Towns, or through the Lands. Great Roads from City to City not to contain less than Forty Foot in Breadth, shall be first laid out and declared to be for High-ways, before the Dividend of Acres be laid out for the Purchaser, and the like Observation to be had for the Streets in the Towns and Cities, that there may be convenient Roads and

Streets preserved, not to be incroached upon by any Planter or Builder, that none may build irregularly to the Damage of another. *In this, Custom governs.*

II.

That the Land in the Town be laid out together after the Proportion of *Ten Thousand* Acres of the whole Country, that is, *Two Hundred* Acres, if the Place will bear it: However, that the Proportion be by Lot, and intire, so as those that desire to be together, especially those that are by the Catalogue laid together, may be so laid together both in the Town and Country.

III.

THAT when the Country Lots are laid out, every Purchaser, from *One Thousand* to *Ten Thousand* Acres, or more, not to have above *One Thousand* Acres together, unless in three Years they plant a Family upon every *Thousand* Acres; but that all such as purchase together, lie together; and if as many as comply with this Condition, that the Whole be laid out together.

IV.

THAT where any Number of Purchasers, more or less, whose Number of Acres amounts to *Five* or *Ten Thousand* Acres, desire to sit together in a Lot or Township, they shall have their Lot or Township cast together, in such Places as have convenient Harbours or navigable Rivers attending it, if such can be found; and in case any one or more Purchasers plant not according to Agreement in this Concession, to the Prejudice of others of the same Township, upon Complaint thereof made to the Governor or his Deputy, with Assistance, they may award (if they see Cause) that the complaining Purchaser may, paying the Survey Money, and Purchase Money, and Interest thereof, be entituled, inrolled, and lawfully invested in the Lands so not seated.

V.

THAT the Proportion of Lands that shall be laid out in the first great Town or City, for every Purchaser, shall be after the Proportion of *Ten* Acres for every *Five Hundred* Acres purchased, if the Place will allow it.

VI.

THAT notwithstanding there be no Mention made, in the several Deeds made to the Purchasers, yet the said *William Penn* does accord and declare, that all Rivers, Rivulets, Woods

and Underwoods, Waters, Watercourses, Quarries, Mines, and Minerals (except Mines Royal) shall be freely and fully enjoyed, and wholly by the Purchasers, into whose Lot they fall.

VII.

THAT for every *Fifty* Acres that shall be alloted to a Servant at the End of his Service, his Quitrent shall be *Two Shillings per Annum*, and the Master or Owner of the Servant, when he shall take up the other *Fifty* Acres, his Quitrent shall be *Four Shillings* by the Year, or if the Master of the Servant (by reason in the Indentures he is so obliged to do) allot out to the Servant *Fifty* Acres in his own Division, the said Master shall have on Demand allotted him from the Governor, the *One Hundred* Acres at the chief Rent of *Six Shillings per Annum.*

VIII.

AND for the Encouragement of such as are ingenious and willing to search out Gold and Silver Mines in this Province, it is hereby agreed, that they have Liberty to bore and dig in any Man's Property, fully paying the Damage done; and in case a Discovery should be made, that the Discoverer have One Fifth, the Owner of the Soil (if not the Discoverer) a Tenth Part, the Governor Two Fifths, and the rest to the Publick Treasury, saving to the King the Share reserved by Patent.

IX.

IN every *Hundred Thousand* Acres, the Governor and Proprietary, by Lot, reserveth *Ten* to himself, which shall lie but in one Place.

X.

THAT every Man shall be bound to plant or man, so much of his Share of Land as shall be set out and surveyed, within three Years after it is so set out and surveyed, or else it shall be lawful for new Comers to be settled thereupon, paying to them their Survey Money, and they go up higher for their Shares.

XI.

THERE shall be no buying and selling, be it with an *Indian*, or one among another, of any Goods to be exported, but what shall be preformed in publick Market, when such Places shall be set apart or erected, where they shall pass the Publick Stamp or Mark. If bad Ware, and prized as good, or deceitful in Proportion or Weight, to forfeit the Value as if good and

full Weight and Proportion, to the Publick Treasury of the Province, whether it be the Merchandize of the *Indian*, or that of the Planters.

XII.

AND FORASMUCH as it is usual with the Planters, to overreach the poor Natives of the Country in Trade, by Goods not being good of the Kind, or debased with Mixtures, with which they are sensibly aggrieved, it is agreed, whatever is sold to the *Indians*, in Consideration of their Furs, shall be sold in the Market-Place, and there suffer the Test, whether good or bad; if good, to pass; if not good, not to be sold for good, that the Natives may not be abused nor provoked.

XIII.

THAT no Man shall by any Ways or Means, in Word or Deed, affront or wrong any *Indian*, but he shall incur the same Penalty of the Law, as if he had committed it against his Fellow-Planter; and if any *Indian* shall abuse, in Word or Deed, any Planter of this Province, that he shall not be his own Judge upon the *Indian*, but he shall make his Complaint to the Governor of the Province, or his Lieutenant or Deputy, or some inferior Magistrate near him, who shall, to the utmost of his Power, take Care with the King of the said *Indian*, that all reasonable Satisfaction be made to the said injured Planter.

XIV.

THAT all Differences between the Planters and the Natives, shall also be ended by twelve Men, that is, by six Planters and six Natives, that so we may live friendly together as much as in us lieth, preventing all Occasions of Heart-burnings and Mischief.

XV.

THAT the *Indians* shall have Liberty to do all Things relating to Improvement of their Ground, and providing Sustenance for their Families, that any of the Planters shall enjoy.

XVI.

THAT the Laws, as to Slanders, Drunkenness, Swearing, Cursing, Pride in Apparel, Trespasses, Distresses, Replevins, Weights and Measures, shall be the same as in *England*, till altered by Law in this Province.

XVII.

THAT all shall mark their Hogs, Sheep and other Cattle, and what are not marked within three Months after it is in their Possession, be it young or old, it shall be forfeited to the Governor, that so People may be compelled to avoid the Occasions of much Strife between Planters.

XVIII.

THAT in clearing the Ground, Care be taken to leave One Acre of Trees for every Five Acres cleared, especially to preserve Oak and Mulberries, for Silk and Shipping.

XIX.

THAT all Ship-Masters shall give an Account of their Countries, Names, Ships, Owners, Freights and Passengers, to an Officer to be appointed for that Purpose, which shall be registered within two Days after their Arrival; and if they shall refuse so to do, that then none presume to trade with them, upon Forfeiture thereof; and that such Masters be looked upon, as having an evil Intention to the Province.

XX.

THAT no Person leave the Province, without Publication being made thereof in the Market-Place, three Weeks before, and a Certificate from some Justice of the Peace, of his Clearness with his Neighbors, and those he has dealt withal, so far as such an Assurance can be attained and given: And if any Master of a Ship shall, contrary hereunto, receive and carry away any Person, that hath not given that publick Notice, the said Master shall be liable to all Debts owing by the said Person so secretly transported from the Province. *Lastly*, that these are to be added to, or corrected, by and with the Consent of the Parties hereunto subscribed.

WILLIAM PENN.

Sealed and delivered in the Presence of

William Boelham,
Harbert Springet,
Thomas Prudyard.

Sealed and delivered in the Presence of all the Proprietors who have hereunto subscribed, except Thomas Farrinborrough *and* John Goodson, *in the Presence of*
Hugh Chamberlen,
R. Murray,
Harbert Springet.

Humphry South,
Thomas Barker,
Samuel Jobson,
John Joseph Moore,
William Powell,
Richard Davie,
Griffith Jones,
Hugh Lambe,
Thomas Farrinborrough,
John Goodson.

The FRAME of the Government of the Province of *Pennsylvania, in America:* Together with certain LAWS agreed upon in *England*, by the Governor and divers Freeman of the aforesaid Province. To be further explained and confirmed there, by the first Provincial Council that shall be held, if they see meet.

The PREFACE.

WHEN the great and wise GOD had made the World, of all his Creatures it pleased him to chuse Man his Deputy to rule it; and to fit him for so great a Charge and Trust, he did not only qualify him with Skill and Power, but with Integrity to use them justly. This native Goodness was equally his Honour and his Happiness; and whilst he stood here, all went well; there was no Need of coercive or compulsive Means; the Precept of divine Love and Truth in his Bosom was the Guide and Keeper of his Innocency. But Lust prevailing against Duty, made a lamentable Breach upon it; and the Law, that before had no Power over him, took Place upon him and his disobedient Posterity, that such as would not live conformable to the holy Law within, should fall under the Reproof and Correction of the just Law without, in a judicial Administration.

THIS the Apostle teaches in divers of his Epistles: The Law *(says he)* was added because of Trangression: *In another Place*, Knowing that the Law was not made for the righteous Man; but for the Disobedient and Ungodly, for Sinners, for Unholy and Prophane, for Murderers, for Whoremongers, for them that defile themselves with Mankind, and for Menstealers, for Liars, for perjured Persons, &c. *But this is not all, he opens and carries the Matter of Government a little further:* Let every Soul be subject to the higher Powers; for there is no Power but of GOD. The Powers that be are ordained of

GOD: Whosoever therefore resisteth the Power, resisteth the Ordinance of GOD. For Rulers are not a Terror to good Works, but to Evil: Wilt thou then not be afraid of the Power? Do that which is good, and thou shalt have Praise of the same.——He is the Minister of GOD to thee for good.—— Wherefore ye must needs be subject, not only for Wrath, but for Conscience Sake.

THIS *Settles the divine Right of Government beyond Exception, and that for two Ends: First, to terrify Evil-doers;* Secondly, *to cherish those that do well; which gives Government a Life beyond Corruption, and makes it as durable in the World, as good Men shall be. So that Government seems to me a Part of Religion itself, a Thing sacred in its Institution and End. For if it does not directly remove the Cause, it crushes the Effects of Evil, and is as such (tho' a lower yet) an Emanation of the same divine Power, that is both Author and Object of pure Religion; the Difference lying here, that the one is more free and mental, the other more corporal and compulsive in its Operations: But that is only to Evil-doers; Government itself being otherwise as capable of kindness, Goodness, and Charity, as a more private Society. They weakly err, that think there is no other Use of Government than Correction, which is the coarsest Part of it: Daily Experience tells us, that the Care and Regulation of many other Affairs, more soft and daily necessary, make up much the greatest Part of Government; and which must have followed the Peopling of the World, had Adam never fell, and will continue among Men on Earth under the highest Attainments they may arrive at, by the Coming of the blessed Second Adam, the LORD from Heaven. Thus much of Government in general, as to its Rise and End.*

FOR *particular* Frames *and* Models, *it will become me to say little; and comparatively I will say nothing. My Reasons are:* First, *That the Age is too nice, and difficult for it; there being nothing the Wits of Men are more busy and divided upon. 'Tis true, they seem to agree in the End,* to wit, *Happiness; but in the Means they differ, as to divine, so to this human Felicity; and the Cause is much the same, not always Want of Light and Knowledge, but Want of using them rightly. Men side with their Passions against their Reason, and their sinister Interests have so strong a Biass upon their Minds, that they lean to them against the Good of the Things they know.*

Secondly, *I do not find a Model in the World, that Time, Place, and some singular Emergences have not necessarily altered; nor is it easy to frame a civil Government, that shall serve all Places alike.*

Thirdly, *I know what is said by the several Admirers of* Monarchy, Aristocracy, *and* Democracy, *which are the Rule of one, a few, and many, and are the three common Ideas of Government, when Men discourse on that Subject. But I chuse to solve the Controversy with this Small Distinction, and it belongs to all Three:* Any Government is free to the People under it *(whatever be the Frame)* where the Laws rule, and the People are a Party to those Laws, *and more than this is Tyranny, Oligarchy, or Confusion.*

BUT Lastly, when all is said, there is hardly one Frame of Government in the World so ill designed by its first Founders, that in good Hands would not do well enough; and Story tells us; the best in ill Ones can do nothing that is great or good; Witness the Jewish and Roman States, Governments, like Clocks, go from the Motion, Men give them, and as Governments are made and moved by Men, so by them they are ruined too. Wherefore Governments rather depend upon Men, than Men upon Governments. Let Men be good, and the Government cannot be bad; if it be ill, they will cure it. But if Men be bad, let the Government be never so good, they will endeavour to warp and spoil it to their Turn.

I know some Say, Let us have good Laws, and no Matter for the Men that execute them: But let them consider, That though good Laws do well, good Men do better: For good Laws may want good Men, and be abolished or invaded by ill Men; but good Men will never want good Laws, or suffer ill Ones. 'Tis true, good Laws have some Awe upon ill Ministers, but that is where they have not Power to escape or abolish them, and the People are generally wise and good: But a loose and depraved People (which is to the Question) love Laws and an Administration like themselves. That therefore, which makes a good Constitution, must keep it, viz. Men of Wisdom and Virtue, Qualities, that because they descend not with worldly Inheritances, must be carefully propagated by a virtuous Education of Youth; for which after Ages will owe more to the Care and Prudence of Founders, and the successive Magistracy, than to their Parents for their private Patrimonies.

THESE *Considerations of the Weight of Government, and the nice and various Opinions about it, made it uneasy to me*

to think of publishing the ensuing Frame and conditional Laws, foreseeing both the Censures they will meet with from Men of differing Humours and Engagements, and the Occasion they may give of Discourse beyond my Design.

BUT *next to the Power of Necessity (which is a Solicitor that will take no Denial) this induced me to a Compliance, that we have (with Reverence to* GOD, *and good Conscience to Men) to the best of our Skill, contrived and composed the* FRAME *and* LAWS *of* this Government *to the great End of all Government*, viz, To Support Power in Reverence with the People, and to secure the People from the Abuse of Power; *that they may be free by their just Obedience, and the Magistrates Honourable for their just Administration: For Liberty without Obedience is Confusion, and Obedience without Liberty is Slavery. To carry this Evenness is partly owing to the Constitution, and partly to the Magistracy: where either of these fail, Government will be subject to Convulsions; but where both are wanting, it must be totally subverted: Then where both meet, the Government is like to endure. Which I humbly pray and hope GOD will please to make the Lot of this of Pennsylvania. Amen.*

WILLIAM PENN.

The FRAME, &c.

TO ALL PEOPLE, To whom these Presents shall come. WHEREAS King CHARLES the Second, by his Letters Patents, under the Great Seal of *England*, for the Consideration therein mentioned, hath been graciously pleased to give and grant unto me *William Penn* (by the Name of *William Penn*, Esq; Son and Heir of Sir *William Penn*, deceased) and to my Heirs and Assigns for ever, all that Tract of Land or Province, called PENNSYLVANIA, in *America*, with divers great Powers, Preheminences, Royalties, Jurisdictions, and Authorities, necessary for the Well-being and Government thereof: NOW KNOW YE, That for the Well-being and Government of the said Province, and for the Encouragement of all the Freemen and Planters that may be therein concerned, in Pursuance of the Powers aforementioned, I the said *William Penn* have declared, granted, and confirmed, and by these Presents, for me, my heirs and Assigns, do declare, grant and confirm unto all the Freemen, Planters, and Adventurers, of, in and to the said Province, these Liberties, Franchises, and Properties, to be held, enjoyed and kept by the Freemen, Planters and Inhabitants of the said Province of *Pennsylvania* for ever.

IMPRIMIS.

THAT the Government of this Province shall, according to the Powers of the Patent, consist of the Governor and Freemen of the said Province, in Form of a Provincial Council and General Assembly, by whom all Laws shall be made, Officers chosen, and publick Affairs transacted, as is hereafter respectively declared. *That is to say.*

II.

THAT the Freemen of the said Province shall, on the twentieth Day of the *Twelfth Month*, which shall be in this present Year *One Thousand Six Hundred Eighty and Two*, meet and assemble in some fit Place, of which timely Notice shall be before-hand given by the Governor or his Deputy, and then and there shall chuse out of themselves SEVENTY-TWO Persons of most Note for their Wisdom, Virtue and Ability, who shall meet on the tenth Day of the *First Month* next ensuing, and always be called and act as the Provincial Council of the said Province.

III.

THAT at the first Choice of such Provincial Council, One Third-part of the said Provincial Council shall be chosen to serve for three Years then next ensuing, One Third-part for two Years then next ensuing, and One Third-part for one Year then next following such Election, and no longer; and that the said Third-part shall go out accordingly. And on the twentieth Day of the *Twelfth Month* as aforesaid, yearly for ever afterward, the Freemen of the said Province shall in like Manner meet and assemble together, and then chuse TWENTY-FOUR Persons, being One Third of the said Number, to serve in Provincial Council for three Years: It being intended, that One Third-part of the whole Provincial Council (always consisting and to consist of Seventy-two Persons, as aforesaid) falling off yearly, it shall be yearly supplied by such new yearly Elections, as aforesaid; and that no one Person shall continue therein longer than three Years: And in case any Member shall decease before the last Election during his Time, that then at the next Election ensuing his Decease, another shall be chosen to supply his Place for the remaining Time he was to have served, and no longer.

IV.

THAT after the first seven Years, every one of the said Third-parts that goeth yearly off, shall be uncapable of being

chosen again for one whole Year following: That so all may be fitted for Government, and have Experience of the Care and Burden of it.

V.

THAT the Provincial Council in all Cases and Matters of Moment, as their arguing upon Bills to be past into Laws, erecting Courts of Justice, giving Judgment upon Criminals impeached, and Choice of Officers, in such Manner as is herein after mentioned: not less than Two Thirds of the whole Provincial Council shall make a Quorum; and that the Consent and Approbation of Two Thirds of such Quorum shall be had in all such Cases and Matters of Moment. And moreover that in all Cases and Matters of lesser Moment, Twenty-four Members of the said Provincial Council shall make a Quorum; the Majority of which Twenty-four shall and may always determine in such Cases and Causes of lesser Moment.

VI.

THAT in this Provincial Council the Governor or his Deputy shall or may always preside, and have a treble Voice; and the said Provincial Council shall always continue, and sit upon its own Adjournment and Committees.

VII.

THAT the Governor and Provincial Council shall prepare and propose to the General Assembly hereafter mentioned, all Bills, which they shall at any Time think fit to be passed into Laws within the said Province; which Bills shall be published and affixed to the most noted Places in the inhabited Parts thereof thirty Days before the Meeting of the General Assembly, in order to the Passing them into Laws, or rejecting of them, as the General Assembly shall see meet.

VIII.

THAT the Governor and Provincial Council shall take Care, that all Laws, Statutes and Ordinances, which shall at any Time be made within the said Province, be duly and diligently executed.

IX.

THAT the Governor and Provincial Council shall at all Times have the Care of the Peace and Safety of the Province, and that nothing be by any Person attempted to the Subversion of this Frame of Government.

X.

THAT the Governor and Provincial Council shall at all Times settle and order the Situation of all Cities, Ports, and Market-Towns in every County, modelling therein all publick Buildings, Streets, and Market-places, and shall appoint all necessary Roads and High-ways in the Province.

XI.

THAT the Governor and Provincial Council shall at all Times have Power to inspect the Management of the publick Treasury, and punish those who shall convert any Part thereof to any other Use, than hath been agreed upon by the Governor, Provincial Council, and General Assembly.

XII.

THAT the Governor and Provincial Council shall erect and order all publick Schools, and encourage and reward the Authors of useful Science and laudable Inventions in the said Province.

XIII.

THAT for the better Management of the Powers and Trust aforesaid, the Provincial Council shall from time to time divide itself into four distinct and proper Committees, for the more easy Administration of the Affairs of the Province, which divides the Seventy-two into four Eighteens, every one of which Eighteens shall consist of Six out of each of the three Orders or yearly Elections, each of which shall have a distinct Portion of Business, as followeth: *First*, A Committee of Plantations, to situate and settle Cities, Ports, Market-Towns, and High-ways, and to hear and decide all Suits and Controvesies relating to Plantations. *Secondly*, A Committee of Justice and Safety, to secure the Peace of the Province, and punish the Male-Administration of those who subvert Justice to the Prejudice of the publick or private Interest. *Thirdly*, A Committee of Trade and Treasury, who shall regulate all Trade and Commerce according to Law, encourage Manufacture and Country-Growth, and defray the publick Charge of the Province. And *Fourthly*, A Committee of Manners, Education, and Arts, that all wicked and scandalous Living may be prevented, and that Youth may be successively trained up in Virtue and useful Knowledge and Arts: The Quorum of each of which Committees being Six, *that is*, Two out of each of the three Orders or yearly Elections as aforesaid, make a constant and standing Council

of TWENTY-FOUR, which will have the Power of the Provincial Council, being the Quorum of it, in all Cases not excepted in the fifth Article; and in the said Committees and standing Council of the Province, the Governor or his Deputy shall or may preside as aforesaid; and in the Absence of the Governor or his Deputy, if no one is by either of them appointed, the said Committees or Council, shall appoint a President for that Time, and not otherwise; and what shall be resolved at such Committees, shall be reported to the said Council of the Province, and shall be by them resolved and confirmed before the same shall be put in Execution; and that these respective Committees shall not sit at one and the same Time, except in Cases of Necessity.

XIV.

AND, to the End that all Laws prepared by the Governor and Provincial Council aforesaid, may yet have the more full Concurrence of the Freemen of the Province, it is declared, granted, and confirmed, That at the Time and Place or Places for the Choice of a Provincial Council as aforesaid, the said Freemen shall yearly chuse Members to serve in General Assembly as their Representatives, not exceeding Two Hundred Persons, who shall yearly meet on the twentieth Day of the *Second Month*, which shall be in the Year *One Thousand Six Hundred Eighty* and *Three* following, in the Capital Town or City of the said Province, where during eight Days the several Members may freely confer with one another; and, if any of them see meet, with a Committee of the Provincial Council (consisting of Three out of each of the four Committees aforesaid, being Twelve in all) which shall be at that Time purposely appointed to receive from any of them Proposals for the Alteration or Amendment of any of the said proposed and promulgated Bills: And on the ninth Day from their so meeting, the said General Assembly, after reading over the proposed Bills by the Clerk of the Provincial Council, and the Occasion and Motives for them being opened by the Governor or his Deputy, shall give their Affirmative or Negative, which to them seemeth best, in such Manner as herein after is expressed. But not less than Two Thirds shall make a Quorum in the Passing of Laws, and Choice of such Officers as are by them to be chosen.

XV.

THAT the Laws so prepared and proposed as aforesaid, that are assented to by the General Assembly, shall be en-

rolled as Laws of the Province, with this Stile: *By the Governor, with the Assent and Approbation of the Freemen in Provincial Council and General Assembly.*

XVI.

THAT for the better Establishment of the Government and Laws of this Province, and to the End there may be an universal Satisfaction in the Laying of the Fundamentals thereof; the General Assembly shall or may for the first Year consist of all the Freemen of and in the said Province, and ever after it shall be yearly chosen, as aforesaid; which Number of Two Hundred shall be enlarged as the Country shall increase in People, so as it do not exceed Five Hundred at any Time: The Appointment and Proportioning of which, as also the Laying and Methodizing of the Choice of the Provincial Council and General Assembly in future Times, most equally to the Divisions of the Hundreds and Counties, which the Country shall hereafter be divided into; shall be in the Power of the Provincial Council to propose, and the General Assembly to resolve.

XVII.

THAT the Governor and the Provincial Council shall erect from time to time standing Courts of Justice, in such Places and Number as they shall judge convenient for the good Government of the said Province. And that the Provincial Council shall, on the thirteenth Day of the *First Month* yearly, elect and present to the Governor or his Deputy, a double Number of Persons to serve for Judges, Treasurers, Masters of Rolls, within the said Province for the Year next ensuing; and the Freemen of the said Province in the County Courts, when they shall be erected, and till then in the General Assembly, shall, on the Three and Twentieth Day of the *Second Month* yearly, elect and present to the Governor or his Deputy, a double Number of Persons, to serve for Sheriffs, Justices of the Peace, and Coroners, for the Year next ensuing; out of which respective Elections and Presentments, the Governor or his Deputy shall nominate and commissionate the Proper Number for each Office the third Day after the said Presentments; or else the first named in such Presentment for each Office, shall stand and serve for that Office the Year ensuing.

XVIII.

BUT forasmuch as the present Condition of the Province

requires some immediate Settlement, and admits not of so quick a Revolution of Officers; and to the End the said Province may with all convenient Speed be well ordered and settled, I *William Penn* do therefore think fit, to nominate and appoint such Persons for Judges, Treasurers, Masters of the Rolls, Sheriffs, Justices of the Peace, and Coroners, as are most fitly qualified for those Employments; to whom I shall make and grant Commissions for the said Offices respectively, to hold to them to whom the same shall be granted, for so long Time as every such Person shall well behave himself in the Office or Place to him respectively granted, and no longer. And upon the Decease or Displacing of any of the said Officers, the succeeding Officer or Officers shall be chosen as aforesaid.

XIX.

THAT the General Assembly shall continue so long as may be needful to impeach Criminals fit to be there impeached: to pass Bills into Laws, that they shall think fit to pass into Laws, and till such Time as the Governor and Provincial Council shall declare, that they have nothing further to propose unto them for their Assent and Approbation; and that Declaration shall be a Dismiss to the General Assembly for that Time; which General Assembly shall be notwithstanding capable of assembling together, upon the Summons of the Provincial Council, at any Time during that Year, if the said Provincial Council shall see Occasion for their so assembling.

XX.

THAT all the Elections of Members or Representatives of the People, to serve in Provincial Council and General Assembly, and all Questions, to be determined by both or either of them, that relate to passing of Bills into Laws, to the Choice of Officers, to Impeachments made by the General Assembly, and Judgment of Criminals upon such Impeachments, by the Provincial Council, and to all other Cases, by them respectively judged, of Importance, shall be resolved and determined by the Ballot; and, unless on sudden and indispensible Occasions, no Business in Provincial Council, or its respective Committees, shall be finally determined the same Day that it is moved.

XXI.

THAT at all Times, when and so often as it shall happen, that the Governor shall or may be an Infant, under the Age

of One and Twenty Years, and no Guardians or Commissioners are appointed in Writing by the Father of the said Infant, or that such Guardians or Commissioners shall be deceased; that during such Minority, the Provincial Council shall, from time to time, as they shall see meet, constitute and appoint Guardians or Commissioners, not exceeding three; one of which three, shall preside as Deputy and Chief Guardian, during such Minority, and shall have and execute, with the Consent of the other two, all the Power of a Governor, in all the Publick Affairs and Concerns of the said Province.

XXII.

THAT as often as any Day of the Month, mentioned in any Article of this Charter, shall fall upon the first Day of the Week, commonly called, *The Lord's Day*, the Business appointed for the Day, shall be deferred till the next Day, unless in case of Emergency.

XXIII.

THAT no Act, Law or Ordinance whatsoever, shall at any Time hereafter be made or done, by the Governor of this Province, his Heirs or Assigns, or by the Freemen in the Provincial Council, or the General Assembly, to alter, change or diminish the Form or Effect of this Charter, or any Part or Clause thereof, without the Consent of the Governor, his Heirs or Assigns, and Six Parts of Seven of the said Freemen in Provincial Council, and General Assembly.

XXIV.

AND LASTLY, That *I* the said *William Penn*, for myself, my Heirs, and Assigns, have solemnly declared, granted and confirmed, and do hereby solemnly declare, grant and confirm, that neither I, my Heirs nor Assigns, shall procure or do any Thing or Things, whereby the Liberties in this Charter contained and expressed, shall be infringed or broken; and if any Thing be procured by any Person or Persons contrary to these Premises, it shall be held of no Force or Effect. IN WITNESS whereof, *I* the said *William Penn*, have unto this present Charter of Liberties, set my Hand and Broad Seal, this Five and Twentieth Day of the *Second Month*, vulgarly called *April*, in the Year of our Lord, *One Thousand Six Hundred* and *Eighty-two*.

WILLIAM PENN.

FIRST,

THAT the Charter of Liberties, declared, granted and confirmed, the *Five* and Twentieth Day of the *Second Month*, called *April*, 1682, before divers Witnesses by *William Penn*, Governor and chief Proprietary of *Pennsylvania*, to all the Freemen and Planters of the said Province, is hereby declared and approved, and shall be for ever held for fundamental, in the Government thereof, according to the Limitations mentioned in the said Charter.

II.

THAT every Inhabitant in the said Province, that is or shall be a Purchaser of One Hundred Acres of Land or upwards, his Heirs and Assigns, and every Person who shall have paid his Passage, and taken up One Hundred Acres of Land, at *One Penny* an Acre, and have cultivated Ten Acres thereof, and every Person that hath been a Servant or Bondsman, and is free by his Service, that shall have taken up his Fifty Acres of Land, and cultivated Twenty thereof, and every Inhabitant, Artificer, or other Resident in the said Province, that pays Scot and Lot to the Government, shall be deemed and accounted a Freeman of the said Province; and every such Person shall and may be capable of electing or being elected Representatives of the People in Provincial Council or General Assembly in the said Province.

III.

THAT all Elections of Members or Representatives of the People and Freemen of the Province of *Pennsylvania*, to serve in Provincial Council or General Assembly, to be held within the said Province, shall be free and voluntary: And that the Elector that shall receive any Reward or Gift, in Meat, Drink, Monies, or otherwise, shall forfeit his Right to elect; and such Person as shall, directly or indirectly, give, promise, or bestow any such Reward as aforesaid, to be elected, shall forfeit his Election, and be thereby incapable to serve as aforesaid. And the Provincial Council and General Assembly shall be the sole Judges of the Regularity or Irregularity of the Elections of their own respective Members.

IV.

THAT no Money or Goods shall be raised upon, or paid by any of the People of this Province, by Way of a public Tax, Custom or Contribution, but by a Law for that Purpose made; and whosoever shall levy, collect or pay any Money or Goods contrary thereunto, shall be held a publick Enemy to the Province, and a Betrayer of the Liberties of the People thereof.

V.

THAT all Courts shall be open, and Justice shall neither be sold, denied nor delayed.

VI.

THAT in all Courts all Persons of all Persuasions may freely appear in their own Way, and according to their own Manner, and there personally plead their own Cause themselves, or if unable, by their Friends: And the first Process shall be the Exhibition of the Complaint in Court, Fourteen Days before the Trial; and that the Party complained against, may be fitted for the same, he or she shall be summoned no less than Ten Days before, and a Copy of the Complaint delivered him or her, at his or her Dwelling-house. But before the Complaint of any Person be received, he shall solemnly declare in Court, That he believes in his Conscience his Cause is just.

VII.

THAT all Pleadings, Processes, and Records in Courts, shall be short, and in *English*, and in an ordinary and plain Character, that they may be understood, and Justice speedily administered.

VIII.

THAT all Trials shall be by twelve Men, and, as near as may be, Peers or Equals, and of the Neighbourhood, and Men without just Exception. In Cases of Life, there shall be first Twenty-four returned by the Sheriff for a Grand Inquest, of whom Twelve at least shall find the Complaint to be true; and then the twelve Men, or Peers, to be likewise returned by the Sheriff, shall have the final Judgment. But reasonable Challenges shall be always admitted against the said twelve Men, or any of them.

IX.

THAT all Fees in all Cases shall be moderate, and settled by the Provincial Council and General Assembly, and be

hung up in a Table in every respective Court; and whosoever shall be convicted of taking more, shall pay twofold, and be dismissed his Employment, one Moiety of which shall go to the Party wronged.

X.

THAT all Prisons shall be Work-houses for Felons, Vagrants, and loose and idle Persons; whereof one shall be in every County.

XI.

THAT all Prisoners shall be bailable by sufficient Sureties, unless for capital Offences, where the Proof is evident, or the Presumption great.

XII.

THAT all Persons wrongfully imprisoned or prosecuted at Law, shall have double Damages against the Informer or Prosecutor.

XIII.

THAT all Prisons shall be free, as to Fees, Food, and Lodging.

XIV.

THAT all Lands and Goods shall be liable to pay Debts, except where there is legal Issue, and then all the Goods, and One Third of the Land only.

XV.

THAT all Wills and Writing attested by two Witnesses, shall be of the same Force, as to Lands, as other Conveyances, being legally proved within forty Days, either within or without the said Province.

XVI.

THAT seven Years quiet Possession shall give an unquestionable Right; except in Cases of Infants, Lunaticks, Married Women, or Persons beyond the Seas.

XVII.

THAT all Briberies and Extortions whatsoever, shall be severely punished.

XVIII.

THAT all Fines shall be moderate, and saving Mens Contenements, Merchandize, or Wainage.

XIX.

THAT all Marriages (not forbidden by the Law of God, as to Nearness of Blood and Affinity by Marriage) shall be encouraged; but the Parents or Guardians shall be first consulted, and the Marriage shall be published before it be solemnized, and shall be solemnized by taking one another as Husband and Wife, before credible Witnesses, and a Certificate of the Whole, under the Hands of Parties and Witnesses, shall be brought to the proper Register of that County, and shall be registered in his Office.

XX.

AND to prevent Frauds and vexatious Suits within the said Province, that all Charters, Gifts, Grants, and Conveyances of Land (except Leases for a Year or under) and all Bills, Bonds, and Specialities above *Five Pounds*, and not under three Months, made in the said Province, shall be enrolled or registered in the publick Enrollment-Office of the said Province within the Space of two Months next after the Making thereof, else to be void in Law. And all Deeds, Grants, and Conveyances of Land (except as aforesaid) within the said Province, and made out of the said Province, shall be inrolled or registered as aforesaid, within six Months next after the Making thereof, and settling and constituting an Enrolment-Office or Registry within the said Province, else to be void in Law against all Persons whatsoever.

XXI.

THAT all Defacers or Corrupters of Charters, Gifts, Grants, Bonds, Bills, Wills, Contracts and Conveyances, or that shall deface or falsify any Enrolment, Registry, or Record within this Province, shall make double Satisfaction for the same; Half whereof shall go to the Party wronged, and they shall be dismissed of all Places of Trust, and be publickly disgraced as false Men.

XXII.

THAT there shall be a Register for Births, Marriages, Burials, Wills, and Letters of Administration, distinct from the other Registry.

XXIII.

THAT there shall be a Register for all Servants, where their Names, Time, Wages, and Days of Payment shall be registered.

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XXIV.

THAT all lands and Goods of Felons shall be liable to make Satisfaction to the Party wronged twice the Value; and for want of Lands or Goods, the Felons shall be Bond-men to work in the Common Prison or Work-house, or otherwise, till the Party injured be satisfied.

XXV.

THAT the Estates of capital Offenders, as Traitors and Murderers, shall go One Third to the Next of Kin to the Sufferer, and the Remainder to the next of Kin to the Criminal.

XXVI.

THAT all Witnesses, coming or called to testify their Knowledge in or to any Matter or Thing in any Court, or before any lawful Authority within the said Province, shall there give or deliver in their Evidence or Testimony, by solemnly promising to speak the Truth, the whole Truth, and nothing but the Truth, to the Matter or Thing in Question. And in case any Person so called to Evidence, shall be convicted of wilful Falshood, such Person shall suffer and undergo such Damage or Penalty as the Person or Persons against whom he or she bore false Witness, did or should undergo; and shall also make Satisfaction to the Party wronged, and be publickly exposed as a false Witness, never to be credited in any Court, or before any Magistrate, in the said Province.

XXVII.

AND to the End that all Officers chosen to serve within this Province, may with more Care and Diligence answer the Trust reposed in them, it is agreed, That no such Person shall enjoy more than one publick Office at one Time.

XXVIII.

THAT all Children within this Province of the Age of twelve Years, shall be taught some useful Trade or Skill, to the End none may be idle, but the Poor may work to live, and the Rich, if they become poor, may not want.

XXIX.

THAT Servants be not kept longer than their Time, and such as are careful, be both justly and kindly used in their

Service, and put in fitting Equipage at the Expiration thereof, according to Custom.

XXX.

THAT all scandalous and malicious Reporters, Backbiters, Defamers, and Spreaders of false News, whether against Magistrates or private Persons, shall be accordingly severely punished as Enemies to the Peace and Concord of this Province.

XXXI.

THAT for the Encouragement of the Planters and Trades in this Province, who are incorporated into a Society, the Patent granted to them by *William Penn*, Governor of the said Province, is hereby ratified and confirmed.

XXXII.

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XXXIII.

THAT all Factors or Correspondents in the said Province wronging their Employers, shall make Satisfaction, and One Third over, to their said Employer: And in case of the Death of any such Factor or Correspondent, the Committee of Trade shall take Care to secure so much of the deceased Party's Estate, as belongs to his said respective Employers.

XXXIV.

THAT all Treasurers, Judges, Masters of the Rolls, Sheriffs, Justices of the Peace, and other Officers and Persons whatsoever, relating to Courts or Trials of Causes, or any other Service in the Government; and all Members elected to serve in Provincial Council and General Assembly, and all what have Right to elect such Members, shall be such as profess Faith in *Jesus Christ*, and that are not convicted of ill Fame, or unsober and dishonest Conversation, and that are of One and Twenty Years of age at least; and that all such so qualified, shall be capable of the said several Employments and Privileges as aforesaid.

XXXV.

THAT all Persons living in this Province, who confess and acknowledge the One Almighty and Eternal GOD, to be the

Creator, Upholder and Ruler of the World, and that hold themselves obliged in Conscience to live peaceably and justly in civil Society, shall in no ways be molested or prejudiced for their religious Persuasion or Practice in Matters of Faith and Worship, nor shall they be compelled at any Time to frequent or maintain any religious Worship, Place or Ministry whatever.

XXXVI.

THAT according to the good Example of the primitive Christians, and for the Ease of the Creation, every first Day of the Week, called, *The Lord's Day*, People shall abstain from their common daily Labour, that they may the better dispose themselves to worship *GOD* according to their Understandings.

XXXVII.

THAT as careless and corrup Administration of Justice draws the Wrath of GOD upon Magistrates, so the Wildness and Looseness of the People provoke the Indignation of GOD against a Country: Therefore, That all such Offences against GOD, as Swearing, Cursing, Lying, prophane Talking, Drunkeness, Drinking of Healths, obscene Words, Incest, Sodomy, Rapes, Whoredom, Fornication and other Uncleanness (not to be repeated.) All Treasons, Misprisons, Murders, Duels, Felonies, Seditions, Maims, Forcible Entries, and other Violences, to the Persons and Estates of the Inhabitants within this Province: All Prizes, Stage-plays, Cards, Dice, May-games, Masques, Revels, Bull-baitings, Cock-fightings, Bear-baitings, and the like, which excite the People to Rudeness, Cruelty, Looseness, and Irreligion, shall be respectively discouraged, and severely punished, according to the Appointment of the Governor and Freemen in Provincal Council and General Assembly, as also all Proceedings contrary to these Laws, that are not here made expressly panel.

XXXVIII.

THAT a Copy of these Laws shall be hung up in the Provincial Council, and in publick Courts of Justice, and that they shall be read yearly, at the Opening of every Provincial Council and General Assembly, and Courts of Justice, and their Assent shall be testified by their standing up, after the Reading thereof.

XXXIX.

THAT there shall be at no time any Alteration of any of

these Laws, without the Consent of the Governor, his Heirs or Assigns, and Six Parts of Seven of the Freeman, met in Provincial Council and General Assembly.

XL.

THAT all other Matters and Things not herein provided for, which shall and may concern the Publick Justice, Peace or Safety of the said Province; and the raising and imposing Taxes, Customs, Duties, or other Charges whatsoever, shall be, and are hereby referred to the Order, Prudence and Determination of the Governor and Freemen in Provincial Council and General Assembly, to be held from time to time in the said Province.

Signed and sealed by the Governor and Freemen aforesaid, the fifth Day of the Third Month, called May, *One Thousand Six Hundred* and *Eighty-two.*

The Duke of York's DEED *for* Pennsylvania, *the Twenty-first of* August, *One Thousand Six Hundred and Eighty-two.*

THIS INDENTURE, made the One and Twentieth Day of *August*, in the Four and Thirtieth Year of the Reign of our Sovereign Lord CHARLES the II. by the Grace of GOD, of *England*, *Scotland*, *France* and *Ireland*, King, Defender of the Faith, &c. *Annoque Domini* 1682, between the most illustrious Prince his Royal Highness JAMES Duke of *York* and *Albany*, Earl of *Ulster*, &c. of the one Part, and *William Penn*, Esq; Son and Heir of Sir *William Penn*, Knight, deceased, of the other Part: Whereas his Royal Highness being willing and desirous, that the Tract or Part of Land called *Pennsylvania*, herein after-mentioned, should be granted and assured unto the said *William Penn*, and his Heirs, and for that Purpose having signified and declared his Assent thereunto to the Right Honourable the Lords of the Committee of Plantations, his said Majesty, by his Letters Patent, under the Great Seal of *England*, bearing Date the fourth Day of *March*, in the Three and Thirtieth Year of his Reign, for the Considerations therein mentioned, did grant unto the said *William Penn*, and his Heirs, all that Tract or Part of Land in *America*, with the Islands therein contained, and thereunto belonging, as the same is bounded and described in and by the said Letters Patent, and therein called *Pennsylvania*, together with several Royalties, Franchises, Jurisdictions and Privileges therein contained. *And whereas* in Consideration of *Five Shillings*, and for the Considerations herein after-mentioned, his said Royal

Highness is willing and pleased to confirm and make any farther Assurance of the said Tract of Land, and Premises, unto the said *William Penn*, and his Heirs; *Now therefore this Indenture witnesseth*, That his said Royal Highness, out of a special Regard to the Memory and many faithful and eminent Services heretofore performed by the said Sir *William Penn*, to his Majesty, and Royal Highness, and for the better encouraging him the said *William Penn*, to proceed in cultivating and improving the said Tract of Ground, and Islands therein and thereunto belonging, and reducing the savage and barbarous Natives thereof to Civility, and for the Good-will which his said Royal Highness hath and beareth to the said *William Penn*, and for other good Causes and Considerations, hath remised, released, and for ever quit claimed, and by these Presents, doth for him, and his Heirs, remise, release, and for ever quit Claim, unto the said *William Penn* (in his peacable Possession now being) his Heirs and Assigns, all the Estate, Right, Title, Interest, Rents, Services, Duties, Payments, Property, Claim, and Demand whatsoever, of his said Royal Highness, of, into, or out of, the said Tract of Land, and all and singular other the Lands, Islands, Tenements, Hereditaments, and other Things comprized in the said recited Letters Patent, and within the Bounds and Limits therein mentioned, *To have and to hold*, the said Tract of Land, Rents, Services, Hereditaments, and Premises, unto the said *William Penn*, and his Heirs, to the only Use and Benefit of the said *William Penn*, his Heirs and Assigns, for ever. *In witness* whereof, his Royal Highness hath to these Presents set his Hand and Seal, the Day and Year first above written.

JAMES.

Sealed and delivered in the presence of

J. WERDEN
GEORGE MANN.

The Duke of York's DEED *of Feoffment of* Newcastle, *and Twelve Miles Circle, to* William Penn, August 24, 1682.

THIS INDENTURE, made the Four and Twentieth Day of *August*, in the Four and Twentieth Year of the Reign of our Sovereign Lord *Charles* the Second, by the Grace of God of *England, Scotland, France* and *Ireland*, King, Defender of the Faith, &c. *Annoque Domini*, 1682. *Between* the most illustrious Prince his Royal Highness *James* Duke of *York*

and *Albany*, Earl of *Ulster*, &c. of the one Part, and *William Penn*, Esq; Son and Heir of Sir *William Penn*, Knight, deceased, of the other Part, *Witnesseth*, That his said Royal Highness, out of a special Regard to the Memory and many faithful and eminent Services heretofore performed by the said Sir *William Penn* to his said Majesty and Royal Highness; and for the Good-will which his said Royal Highness hath and beareth to the said *William Penn;* and for and in Consideration of the Sum of *Ten Shillings* to him in Hand paid by the said *William Penn* at and before the Ensealing and Delivery hereof, the Receipt whereof is hereby acknowledged; and for other good Causes and Considerations, *Doth* bargain, sell, enfeoff and confirm unto the said *William Penn*, his Heirs and Assigns, for ever, *all that* the Town of *Newcastle*, otherwise called *Delaware*, and all that Tract of Land lying within the Compass or Circle of Twelve Miles about the same, situate, lying, and being upon the River *Delaware*, in *America;* and all islands in the said River *Delaware*, and the said River and Soil thereof, lying *North of* the southermost Part of the said Circle of Twelve Miles about the said Town, together with all Rents, Services, Royalties, Franchises, Duties, Jurisdictions, Liberties and Privileges thereunto belonging; and all the Estate, Right, Title, Interest, Powers, Property, Claim and Demand whatsoever of his said Royal Highness, of, in, or to, the same, or any Part or Parcel thereof: *Saving* always and reserving to his said Royal Highness, his Agents and Servants, free Use of all Ports, Ways and Passages into, through and out of the bargained Premises, and every Part and Parcel thereof; *To have and to hold* the said Town and Circle of Twelve Miles of Land about the same, Islands, and all other the before-mentioned or intended to be hereby bargained Premises, with their Appurtenances, unto the said *William Penn*, his Heirs and Assigns, to the only Use and Behoof of him the said *William Penn*, his Heirs and Assigns, for ever, *yielding* and *paying* therefore yearly and every Year unto his said Royal Highness, his Heirs and Assigns, the Sum of *Five Shillings* of lawful Money of *England*, at the Feast of St. *Michael* the Archangel only. *And* the said *William Penn*, for himself, his Heirs and Assigns, doth convenant and grant to and with his said Royal Highness, his Heirs and Assigns, by these Presents, That he the said *William Penn*, his Heirs and Assigns, shall and will well and truly pay, or cause to be paid to his Royal Highness, his Heirs and Assigns, the said yearly Rent of *Five Shillings*, at the Days whereon the same is reserved to be paid as aforesaid. And his said

Royal Highness for himself, his Heirs and Assigns, doth covenant and grant to and with the said *William Penn*, his Heirs and Assigns, by these Presents, That his said Royal Highness, his Heirs and Assigns, will at any time or times hereafter, during the Space of Seven Years next ensuing the Date hereof, upon the Request, and at the Costs and Charges in the Law of the said *William Penn*, his Heirs and Assigns, do, make and execute, or cause or procure to be made, done and executed, all and every such further Act and Acts, Conveyances and Assurances in the Law whatsoever, for the further conveying and assuring the said Town and Circle of Twelve Miles of Land about the same, and Islands, and all other the Premises, with the Appurtenances, unto the said *William Penn*, his Heirs and Assigns, for ever, as by the Counsel learned in the Law of the said *William Penn*, his Heirs or Assigns, shall be reasonably devised, advised, or required. *And* his said Royal Highness hath hereby made, constituted and appointed *John Moll* of *Newcastle* aforesaid Esq: and *Ephraim Harman* of *Newcastle* aforesaid, Gentlemen, jointly, and either of them severally, his true and lawful Attornies; and by these Presents doth give and grant unto the said *John Moll* and *Ephraim Harman*, his said Attornies, or either of them, full Power and Authority for him, and in his Name and Stead, into all and singular the Premises herein before mentioned, or intended to be hereby aliened, enfeoffed and confirmed, and into every, or any Part or Parcel thereof, in the Name of the Whole, to enter, and quiet and peaceable Possession and Seisin thereof, or of any Part or Parcel thereof, in the Name of the Whole, to enter and receive. And after peaceable Possession thereof had and taken as aforesaid, to deliver quiet and peaceable Possession and Seisin thereof, or of any Part or Parcel thereof, in the Name of the Whole, to the said *William Penn*, his Heirs, or Assigns, or to his or their lawful Attorney or Attornies, sufficiently authorized to receive and take the same, and him or them, to leave in the quiet and peaceable Possession thereof, according to the true Intent and Meaning of these Presents. *And* his said Royal Highness doth hereby allow of, ratify and confirm whatsoever the said *John Mill* and *Ephraim Harman*, his said Attornies, shall lawfully do, or cause to be done in and about the Premises, by Virtue of these Presents, to be as good and effectual in the Law, to all Intents and Purposes whatsoever, as if his said Royal Highness had done the same in his own Person, or had been

present at the Doing thereof. *In Witness* whereof his said Royal Highness hath to these Presents set his Hand and Seal, the Day and Year first above written.

JAMES.

Sealed and delivered in the Presence of

J. WERDEN,
GEORGE MANN.

The Duke of York's DEED *of Feoffment of a Tract of Land Twelve Miles* South *from* Newcastle *to the* Whorekills,

to William Penn, 1682, August 24.

THIS INDENTURE, made the Four and Twentieth Day of *August*, in the Four and Thirtieth Year of the Reign of our Sovereign Lord *Charles* the Second, by the Grace of God of *England, Scotland, France and Ireland*, King, Defender of the Faith, &c. *Annoque Domini*, 1682 *Between* the most illustrious Prince his Royal Highness *James* Duke of *York* and *Albany*, Earl of *Ulster*, &c, of the one Part, and *William Penn*, Esq; Son and Heir of Sir *William Penn*, Knight, deceased, of the other Part, Witnesseth, That his said Royal Highness, out of a special regard to the Memory and many faithful and eminent Services heretofore performed by the said Sir *William Penn* to his said Majesty and Royal Highness; and for the Good-will which his said Royal Highness hath and beareth to the said *William Penn;* and for and in Consideration of the Sum of *Ten Shillings* to him in Hand paid by the said *William Penn*, at and before the Ensealing and Delivery of these Presents, the Receipt whereof is hereby acknowledged; and of the Rent and Covenants herein after reserved and contained, *Doth* bargain, sell, enfeoff and confirm unto the said *William Penn*, his Heirs and Assigns, for ever, *all that* Tract of Land upon *Delaware* River and Bay, beginning Twelve Miles *South* from the Town of *Newcastle*, otherwise called *Delaware* and extending *South* to the *Whorekills*, otherwise called *Cape-Henlopen*, together with free and undisturbed Use and Passage into and out of all Harbours, Bays, Waters, Rivers, Isles, and Inlets, belonging to, or leading to the same; together with the Soil, Fields, Woods, Underwoods, Mountains, Hills, Fens, Isles, Lakes, Rivers, Rivulets, Bays and Inlets, situate in, or belonging unto, the Limits

and Bounds aforesaid; together with all Sorts of Minerals; and all the Estate, Interest, Royalties, Franchises, Powers, Privileges and Immunities whatsoever of his said Royal Highness therein, or in, or unto any Part or Parcel thereof: *Saving* always and reserving to his said Royal Highness, his Agents and Servants, free Use of all Ports, Ways and Passages into, through and out of the said bargained Premises, and every Part and Parcel thereof; *To have and to hold* the said Tract of Land, and all and singular other the Premises, with the Appurtenances, unto the said *William Penn*, his Heirs and Assigns, to the only Use and Behoof of him the said *William Penn*, his Heirs and Assigns, for ever, to be holden of his said Royal Highness and his Heirs, as of their Castle at *New-York*, in free and common Soccage, *yielding* and *paying* therefore yearly, and every Year, to his said Royal Highness, is Heirs and Assigns, One Rose, at the Feast of St. *Michael* the Archangel, yearly, if demanded. *And* the said *William Penn*, for himself, his Heirs and Assigns, doth covenant and agree to and with his said Royal Highness, his Heirs and Assigns, That he the said *William Penn*, his Heirs or Assigns, shall and will within the Space of One Year next ensuing the Date of these Presents, erect, or cause to be erected, and set up, on or more public Office or Offices of Registry in or upon the said bargained Premises, wherein he, or they, or some of them, shall and will, amongst other Things, truly and faithfully account, set down, and register, all and all Manner of Rents, and other Profits, which he, or they, or any of them shall by any Ways or Means make, raise, get, or procure of, in, or out of the said bargained Premises, or any Part or Parcel thereof: And shall and will at the Feast of St. *Michael* the Archangel yearly, and every Year, well and truly yield, pay, and deliver unto his said Royal Highness, his Heirs and Assigns, One full Moiety of all and all Manner of Rents, Issues and Profits, as well extraordinary as ordinary, as shall be made or raised upon, or by reason of the Premises, or any Part thereof. And if it shall happen the same shall be behind, and unpaid, in Part, or in all, by the Space of twenty Days next after the same ought to be yielded, paid, or delivered, that then, and so often, it shall be lawful to and for his said Royal Highness, his Heirs and Assigns, to enter in and upon the said Premises, or any Part or Parcel thereof, and there to distrain, and the Distress and Distresses there taken, to take and detain, until the said Moiety and Arrears thereof shall be well and truly satisfied and paid, together with all Costs

and Damages for the same. *And* his said Royal Highness for himself, his Heirs and Assigns, doth covenant and grant to and with the said *William Penn*, his Heirs and Assigns by these Presents, That his said Royal Highness, his Heirs and Assigns, will at any time or times hereafter, during the Space of Seven Years next ensuing the Date hereof, upon the Request, and at the Costs and Charges in the Law of the said *William Penn*, his Heirs and Assigns, do, make, and execute, or cause or procure to be made, done and executed, all and every such further Act and Acts, Conveyances and Assurances, in the Law whatsoever, for the further conveying and assuring the said Tract of Land, and all and singular other the Premises, with the Appurtenances, unto the said *William Penn*, his Heirs and Assigns, for ever, as by the Counsel learned in the Law of the said *William Penn*, his Heirs and Assigns, shall be reasonably devised, advised, or required. *And* his said Royal Highness hath hereby made, constituted and appointed, *John Moll*, of *Newcastle* aforesaid, Esq; and *Ephraim Harman* of *Newcastle* aforesaid, Gentleman, jointly, and either of them severally, his true and lawful Attornies; and by these Presents doth give and grant unto the said *John Moll* and *Ephraim Harman*, his said Attornies, or either of them, full Power and Authority for him, and in his Name and Stead, into all and singular the Premises herein before mentioned, or intended to be hereby alienes, enfeoffed and confirmed, and into every, or any Part or Parcel thereof, in the name of the Whole, to enter, and quiet and peaceable Possession and Seisin thereof, or of any Part or Parcel thereof, in the Name of the Whole, to take and receive. And after peaceable Possession thereof had and taken as aforesaid, to deliver quiet and peaceable Possession and Seisin thereof, or of any Part or Parcel thereof, in the Name of the Whole, to the said *William Penn*, his Heirs or Assigns, or to his or their lawful Attorney or Attornies, sufficiently authorized to receive and take the same, and him or them to leave in the quiet and peaceable Possession thereof, according to the true Intent and Meaning of these Presents. *And* his said Royal Highness doth hereby allow of, ratify and confirm, whatsoever the said *John Moll* and *Ephraim Harman*, his said Attornies, shall lawfully do, or cause to be done, in and about the Premises, by Virtue of these Presents, to be as good and effectual in the Law, to all Intents and Purposes whatsoever, as if his said Royal Highness had done the same in his own Person, or had been

present at the doing thereof. *In Witness* whereof his said Royal Highness hath to these Presents set his Hand and Seal, the Day and Year first above written.

JAMES.

Sealed and delivered in the Presence of

J. WERDEN
GEORGE MANN.

At An Assembly held At Chester, the Fourth Day of the Tenth Month, 1682.

CHRISTOPHER TAYLOR, for the county of *Bucks*. President *MOORE*, for *Philadelphia*. *John Simcock* for *Chester*. *William Clark*, for *Deal*, *Francis Whitewell*, for *Jones*, To be a Committee for Elections and Privileges.

Question being put, Whether the Persons above named should be a Committee as aforesaid. *Resolved in the affirmative*. N. C. D.

The Said Committee to meet at Eight a Clock in the Morning, at this House, and sit till Ten, being the Time the House sits.

A Committee for Justice and Grievances. *Griffith Jones*, *Luke Watson*, *William Sample*, *William Yardly*, *Thomas Brassy*, *John Briggs*.

Question being put, Whether the aforesaid Persons should be a Committee for Justice and Grievances. *Resolved in the Affirmative*, N. C. D.

On request, *Resolved*, That *Ralph Withers*, on an extraordinary Occasion, have Leave from this House to be absent Tomorrow.

The House adjourned to the tenth Hour in the Morning.

About the Time appointed, the House sat.

The Committee of Privileges and Elections, being assembled at the Time appointed, they proceeded to choose a Chairman, whereupon it was determined, that Doctor *Moore*, President of the Society in *Philadelphia*, &c. Should be preferred as Chairman.

Then they called to Account the Sheriff of *Newcastle* County, for undue electing a Member to serve in Assembly, for that County.

The Speaker having taken the Chair, the Chairman of Committee of Privileges and Elections, reports to the House, that *Abraham Man* and his Party, had made some illegal Procedure the Day of Election, at *Newcastle*, that he might be elected a Member of the House; several Witnesses having been heard and examined on both Sides, the Committee adjudged *John Moll*, to be duly elected. Reasons having been

given to the House for the same, it was put to the Vote, Whether *Abraham Man*, or *John Moll*, was duly elected; it was *carried in the Affirmative* for *John Moll*, N. C. D.

A Member of the House moved, that a Committee be elected out of the two Committees now in being, to manage and bring in all Bills relating to the Province, *&c.* The Question being put, it was *carried in the Affirmative*, N. C. D.

Then the House proceeds to elect Members of Committee of Foresight, for the Preparation of Provincial Bills.

John Simcock and *Christopher Taylor*, being nominated for the same, put to the Vote, and *carried in the Affirmative.*

Then the House proceed further unto four more for the said Committee, *viz. William Clark, Nicholas Moore*, President, *Griffith Jones*, and *Luke Watson.* The Question being put, it was *carried in the Affirmative.*

It being moved, that an Address be sent to the Governor, by four select Members; humbly to desire him to honor the House with a Transmission of his * Constitutes; and thereupon appointed, that *Thomas Holmes*, Surveyor-General, *William Clark, Thomas Winn*, and *Edward Southrin*, should go with the aforesaid Address, and make a Return of his Answer in the Afternoon.

Then the House adjourn'd till Two in the Afternoon.

About the Time appointed, the House met; the Speaker having assumed the Chair.

The Governor's Answer by the four appointed Members, was, "That the Constitutions they desired, were not yet ready, but when ready, he would immediately send them by one of his Servants."

*Supposed to be written Constitutions or propos'd Laws hereafter mentioned.

It being debated amongst the Members, touching Fines, to be imposed upon Delinquents, whether Members of the House, or otherwise; whereupon it was proposed by the Speaker, whether the Power given the Governor by the sixth Article in the *Charter of Methods, &c.* should stand firm on his Behalf or not, which, by general Consent of the House, was *carried in the Affirmative.*

Proposed by the Speaker, Whether any Member of this House, offending, &c. should for the first Offence be reproved only, for the second, reproved, with a Fine of *Twelve-pence*, and so gradually for every Offence, not exceeding *Ten Shillings;* put to the Vote, and *carried in the Affirmative*, N. C. D.

It was moved again by the Speaker, Whether the aforementioned Delinquent or Delinquents, should for their Of-

fence or Offences be brought to the Bar or not, which, by Consent of the Whole House, was *carried in the Affirmation.*

Proposed to the Vote by the Speaker, Whether the whole House might resolve itself into a grand Committee or not; carried in the Affirmative, N. C. D.

Proposed, That no Member of Assembly, during the Sessions, should go a Journey, without the Speaker's Leave. ———— *carried in the Affirmative.*

Voted, That no Proposal be put to the Question, before seconded or thirded, and if so, that then the House resolving itself into a grand Committee, may debate or discourse upon the Matter propounded, which was generally agreed unto, and *carried in the Affirmative.*

Voted, That any Member of the House may have Privilege to make an Addition to any Proposal, excepting against any Part, as at the present stated; *carried in the Affirmative.*

Voted, That for the regular Proceeding of the House, all Questions are to pass, either in the Negative, or Affirmative; carried in the Affirmative by general Votes.

Proposed to the House, That if any Member of the House shall presume to pervert the Sense of a Question agreed unto by the House, that then and in such Case, the said Member shall be put out of the House. ———— *Carried in the Affirmative.*

A Petition being presented to the House from *Thomas Usher*, Sheriff for the County of Chester requesting Liberty to go upon his own Concerns for the Space of two Days; *granted*, he leaving a sufficient Deputy in his Absence.

Voted, That two Members be elected to inspect which Party carried it by the major Votes, on Diversity of Votes arising in the House; *Carried in the Affirmative.*

Proposed, That when the Votes of the House are equal upon Debate, the Speaker should have the casting Vote, to decide the Matter in Controversy, which by general Consent was *carried in the Affirmative.*

Proposed, If a Matter be in Debate, and the Question arise, Whether the House shall proceed therein, this Time or not, upon Division, the *No's* go out; if for Adjournment, the *Yea's;* put to the Vote, and *carried in the Affirmative.*

Proposed, That none speak above once before the Question is put nor after, but once: No Member, in any Discourse, to mention the Name of another Member; but as, That Member that last or lately spoke; only a Member may be us'd by his Office, or Sitting in a certain Place; as, Near the Chair, *&c.* None to fall from the Matter to the Person; and superfluous

and tedious Speeches may be stopt by the Speaker: This was the grand Committee never to adjourn without Consent

Proposed, That whenever the House is resolv'd into a grand Committee, the Speaker leaving the Chair, they shall immediately proceed to the Election of a Chairman, which shall be for that Time promoted to the Chair by the Committee, to whom every one shall direct his Speech, as unto the Speaker; and as soon as the Matter in Debate is agreed on, the Chairman shall return to his Place, and the Speaker reassume the Chair; then the Chairman of the grand Committee shall make report to the House, and leave it in Writing with the Clerk; the grand Committee never to adjourn without Consent of the House; and that no other Committee shall determine the Right or Property of the Subject without Leave from the House; put to the Vote, and *carried in the Affirmative.*

Proposed, That no private Committee can alter a Question agreed amongst themselves, without Consent of the Whole House, and that Committee always name in their Report, what Committee they came from. *Voted, and carried in the Affirmative.*

Proposed, That any Member of the House may have Access into and Committee, except Committees of Secrecy. *Voted, and Carried in the Affirmative.*

Proposed, That if Members be required to be added to a Committee, whether such an Addition may be made or not, as is Cases of Evidence, or the like, upon the Committee's Request. *Voted, and carried in the Affirmative.*

Proposed, That an orderly Proceeding be made in presenting of Bills, according to the Contents of the Charter of Order *&c. viz.* That Bills at Committees be consideed by Parts, the Preamble last considered; the Bills not to be blotted, but mended in other Papers, and the Amendments to be put to the Question and voted singly. Bills to be without Razures or Interlineations, and the Clerk to read the Bill,, then deliver it to the Speaker, who standing up with the Bill in his Hand, reads the Title, and declares it to be the first Readng of that Bill. and no Member to speak to it till a second Reading, unless to cast it out. If Exceptions to a Bill be not mendable at the Table, then committed; but no Bill without Exceptions; if not committed or rejected, then engrossed. He that is against the Body of a Bill, shall not be of a Committee about that Bill; no private or personable Bills to be brought in without Leave; publick Bills, the Matter to be opened before brought into the House.

No Bill to be brought in to repeal a Law, without Leave.

Bills amended to be engrossed, but first in a full House. the Title to be indorsed on the Back of the Bill. These considerations relating to Bills, were put to the Vote, and *carried in the Affirmative.*

Proposed, That any Member may offer any Bill, publick or private, tending to the publick Good, except in Case of levying Taxes, *Voted in the Affirmative.*

Proposed, That any Law, Statute, or Ordinance, constituted by a Committee, shall not be of Force, except established by the whole House. *Voted in the Affirmative.*

Proposed, That any Member of the House directing his Discourse to the Speaker, shall stand up, that the Speaker and Members may fee him. *Voted in the Affirmative.*

Proposed, That the Speaker may have Liberty in his Speech, without an Interruption from any Member. *Voted in the Affirmative.*

The House adjourn'd till Nine a Clock the Next Morning.

The House met again the sixth of the *10th Month*, 1682, about Ten in the Morning; the Speaker having taken his Chair.

Proposed by the Speaker and President, Whether any absolute Note of Distinction, betwixt one Officer and another, should be concluded on by Vote; as the Carrying a white Rod or Reed, *&c.* ***Left in Suspence.***

A Petition for an Act of Union betwixt the Freemen of the Three Lower Counties, *Newcastle*, *Jones's*, and *New Deal*, and the Freemen of the Province of *Pennsylvania*, that as one united Province, they may be endowed with the same Privileges of Law and Government.

This Petition was accepted and approved of by the Whole House. *John Moll* and *Francis Whitewell*, two Members, delivered the aforesaid Petition, in the Name of the Rest of the Freeholders, *&c.* to the President of the Society; the Names of several Freeholders of the three aforesaid Counties being subscribed.

An Act for the aforesaid Union (authorized by the Governor) was twice read; and being put to the Vote, was *carried in the Affirmative.*

The Act was read a third Time, which afterwards, by the Assent of the whole House, was appointed to be presented to the Governor, by the Hands of the President, and *Christopher Taylor*, two Members of the House, in order to get his Subscription as an established Law, which the Governor confirmed.

A Petition to the Governor from *Swedes*, *Finns*, and *Dutch*, residing within the Province of *Pennsylvania*, and Parts ad-

jacent, was presented to the House, the Contents wherof were, That the Governor would be pleased to make them as free as other Members of this Province, and that their Lands might be entailed upon them and their Heirs for ever: This was *recommended to the Consideration of the House.*

A Preamble to the Laws of the Province of *Pennsylvania*, read, and put to the Vote, was *carried in the Affirmative.*

The first Chapter of Laws read, *&c.* was referred to the Consideration of the House; the President paraphras'd upon the said Chapter, and Articles thereof.

First Article. That the Lord God of Heaven and Earth, is Lord of Consciences, the Father of Lights and Spirits, *&c. This was put to the Vote, and carried in the Affirmative.*

The First Chapter was read again, and debated upon; *Proposed*, That the first Chapter should be read a third Time; which being long debated upon, it was at length concluded to be read a third Time, by general Consent of the House.

The House resolved itself into a Grand Committee, the President taking the Speaker's Chair, sat as Chairman.

The Committee debates, Whether the Laws shall be read by single Chapters and each Chapter severally considered on; or read in general, and the whole taken into Consideration of the Committee.

A Debate touching Good and Evil Demeaners on the first Day of the Week, called the Lord's Day.

The Committee, by the Chairman's Proposal, by way of Vote, do *Resolve*, That this Clause be interlined in the first Chapter of Constitutions aforesaid, *viz.* That all prophane Pleasures are punishable and condemnable by Law, *&c.*

The Grand Committee resolved itself, the Speaker of the House reassumes the Chair.

Proposed, That these Words, (prophane Pleasures, *&c.*) be interlined in the first Chapter, *&c. Voted, and carried in the Affirmative.*

Griffith Jones, a Member of the House, moves for Leave (upon urgent Occasion) to go to *Newcastle*, which was granted by the House.

Proposed, Whether the Constitutions shall be throughly read, and so stand as a Law, till the Sitting of the next Assembly. *Voted, and carried in the Affirmative.*

The Clerk reads the Constitutions.

The House adjourn'd till Half an Hour past Two in the Afternoon.

About Four in the Afternoon, the House sat again, the Speaker having assumed the Chair.

The President signifies to the House, that the Governor expresses himself candidly and favorably towards the House, remitting the House to the Consideration of the printed Laws, whereof he promises to send the Original, the written Laws or Constitutions being to be taken an Appendix to the printed Laws.

The Original was produced before the House by the President.

The Printed Constitutions and Laws were read, by Consent of the House.

Debated, Whether the printed and written Constitutions should be admitted as Laws for a Time, *viz.* to the next Sitting of Assembly, or not; and whether the printed or written Constitutions should be accepted in this Case.

Debated, touching the Election of Members of the House, *viz.* what Persons are fit to be elected, as also who are fit to make Election.

Proposed, That the word (*cultivated*) be razed out of the second Paragraph of printed Constitutions, whether it should remain or be erazed.

It was proposed to Vote, by the Speaker, Whether that Sentence in the 39th Chapter of Constitutions printed, *viz.* (Six Parts of Seven) should be erazed or not, and so remain in Force till the next Sessions of Assembly, which was generally *voted for, and carried in the Affirmative.*

Debated, touching the Power of the Society of Traders in *Pennsylvania:*

Appointed by the House, That two Members confer with the Governor, touching the 31st Article of the printed Constitutions. *Voted and carried in the Affirmative.*

An Act for Naturalization of the Three Lower Couties, Newcastle. Jones's *and* New-Deal, *with the inhabitants of the Province of Pennsylvania*, was presented to the House.

The Aforesaid Act read once.

The *Act for Naturalization* was, by general Vote of the House, interlined with the Word (*hereafter*) placed betwist the 26th and 27th Lines, to be read, shall (*hereafter inhabit, &c.*)

The Word (*Lawful*) was twice interlined, being placed betwixt the 28th and 29th Lines, by general Vote of the whole Assembly.

Proposed, That the written Constitutions be read and paraphas'd on by single Articles, and that the President should be appointed for that Undertaking. *Voted and carried in the Affirmative.*

Proposed, That two Members be elected, to procure the Names of such of the Lower Counties aforesaid as come within the Term of the *Act of Naturalization*. *Voted, and carried in the Affirmative.*

Proposed, That all Foreigners are excluded from the Privilege and Benefit of the *Act of Naturalization*, unless by a renew'd Consent of the Governor and Freemen of the Province of *Pennsylvania*. *This was put to the Vote, and carried in the Affirmative.*

Proposed, That every Foreigner paying his Fees (*not exceeding* Twenty Shillings) shall be received into the *Act of Naturalization*. *Voted and carried in the Affirmative.*

The Act for Naturalization was read a second Time.

The former Act was read a third Time, and committed.

The President begins to paraphrase upon the Articles of the written Constitutions;

Chapter 2. of written Constitutions. *Voted and carried in the Affirmative.*

Chap. 3. was generally debated on; then *voted, and carried in the Affirmative.*

Chap. 4. was debated and paraphras'd upon; then *Voted, and carried in the Affirmative.*

Chap. 5. debated on as before, and this Sentence (*as many prophane Persons are apt to do*) voted to be razed out; then the rest of the Chapter generally voted for, and *carried in the Affirmative.*

Chap. 6. was twice read, paraphras'd on; then generally voted for, and *carried in the Affirmative.*

Chap. 7. voted, and *carried in the Affirmative.*

Chap. 8. voted, and *carried in the Affirmative.*

Chap. 9. read and paraphras'd on; then voted for, after these Words, *viz.* (*shall be publickly whipt*) were interlined, and *carried in the Affirmative.*

Chap. 10. read; then voted, and *carried in the Affirmative.*

Chap. 11. read, paraphras'd on, the Words (*to be Whipt* &c.) being interlined; then voted for, and *carried in the Affirmative.*

Chap. 12. read, *&c.* these Words (*to be Whipt* &c.) being interlined; was voted for, and *carried in the affimative.*

Chap. 13. was read, *&c.* then voted for, and *carried in the Affirmative.*

Chap. 14. was read; then voted for, and *carried in the Affirmative.*

Chap. 15. was read; the Words (*to Drunkenness*) being interlined, then voted for, and *carried in the Affirmative.*

Chap. 16. was read, &c. then voted for, and *carried in the Affirmative.*

Chap. 17. was read, being corrected by Interlineation, then voted for, and *carried in the Affirmative.*

Chap. 18. was read, being corrected by Interlineation, *pass'd the Vote of the House, in the Affirmative.*

Chap. 19. was read, then put to the Vote, and *carried in the Affirmative.*

Chap. 20, was read, being corrected by Interlineation. Voted for, and *carried in the Affirmative.*

Chap. 21, 22. were read; then voted for, and *carried in the affirmative.*

Chap. 23. was read, and after Interlineation, was voted for, and *carried in the Affirmative.*

Chap. 24, 25. were read, then voted for, and *carried in the Affirmative.*

Chap. 26. was read, and largely debated upon, then being corrected by Interlineation, was put to the Vote, and *carried in the Affirmative.*

Chap. 27. was read, then being by Interlineation corrected, was put to the Vote, and *carried in the Affirmative.*

Chap. 28, 29. being read and corrected by Interlineation, were voted for, and *carried in the Affirmative.*

Chap. 30, 31, 32, 33, 34, 35, being read, and put to the Vote, were *carried in the Affirmative.*

Chap. 36. was read and *suspended,* having *pass'd the House in the Negative.*

Chap. 37, 38, 39. have pass'd over without Vote.

Chap. 40. was read, voted for, and *pass'd in the Affirmative.*

Chap. 41, 42. pass'd without Vote.

Chap. 43, 44, were read and debated on, but pass'd without Vote.

Chap. 45. was read &c. and then largely debated on.

Three Members move, That the House be resolved into a Grand Committee, which was granted.

The President chosen as Chairman.

The Speaker leaving the Chair, the President assumes it. ——Then debates the Matter contained in the last Chapter; several Members discourse the Matter.——The President speaks again concerning it; then desisting, several Members discourse thereon.——The President moves for a Vote, that all Artificers may work at a limited Rate, or that particular Artificers may have a particular Salary.—— The Members debate the same; then the Chairman chooses two Members of the Committee, to decide this Point, *viz.*

Whether every Man may agree with his Artificer to his best Advantage, or that a general Salary be put upon all Artificers. ———*This Matter, by general Consent, suspended till Sessions of the next Assembly.*

The Grand Committee resolves again into a House.

Proposed by the Speaker, Whether the last mentioned Matter should be suspended to the next Assembly. *Voted, and carried in the Affirmative.*

Chap. 46, 47, 48. were read, and *suspended.*

Chap. 49. was read, relating to Measures, *&c.* then voted for, *and carried in the Affirmative,* with this Proviso, *That a Fee be allowed to the Supervisor of the Standard Measure.*

Chap. 50. was read; then voted for, and *carried in the Affirmative.*

Chap. 51. was read; and voted *to be suspended.*

Chap. 52. was read, *Proposed,* Whether a price should be put upon Grain, or no; which was voted *in the Negative.* ———The Fifty-second Chapter then was voted for, and *carried in the Affirmative.*

Proposed, Whether Malt-Beer should be rated at *Two-pence per* Quart, and Melasses-Beer, at *One Penny* per Quart. *Voted for, and carried in the Affirmative.*

Chap. 53, 54, 55, 56. were read; then generally voted for, and *carried in the Affirmative.*

Chap. 57. was read; then after Amendment by Interlineation, was put to the Vote, and *carried in the Affirmative.*

Chap. 58, 59, 60, 61. were read; then generally voted for, and *carried in the Affirmative.*

Chap. 62. was read; then voted to be *suspended.*

Chap. 63. was read, *&c.* but the 20th Article of the printed Constitutions was embraced by the House instead thereof; which Article by general Vote of the House, was *carried in the Affirmative.*

Chap. 64. was read; but the Matter thereof being somewhat promiscuous, it was generally voted to be *suspended.*

Chap. 65. was read; then voted for, and *carried in the Affirmative.*

Chap. 66. was voted to be *suspended.*

Chap. 67, 68, 69, 70. was read; then voted for, and *carried in the Affirmative.*

Chap. 71, 72. were read; and voted to be *suspended.*

Chap. 73, 74. were read; and voted *in the Affirmative.*

Chap. 75. was read,; which being corrected by Interlineation, was voted for, and *carried in the Affirmative.*

Chap. 76, 77, 78, 79, 80, 81, 82. were voted for, and *carried in the Affirmative.*

Chap. 83. voted to be *suspended.*

Chap. 84. voted *in the Affirmative.*

Chap. 85. voted for, the Word *Cultivated* being first razed out, then *carried in the Affirmative.*

Chap. 86, 87, 88, 89, 90. were voted for, and *carried in the Affirmative.*

The House adjourn'd till Half an hour after Seven.

The House met again, about Half an Hour past Seven, in the Morning, the 7th Day of the 10th Month, 1682.

The Governor assuming the Chair, expresses after an obliging and religious Manner to the House.

The Governor signing the Bills for *Naturalization* and *Union, &c.* delivered them into the Hands of the Speaker, as his Act and Deed.

The President consults with the Governor upon divers material Concerns, which ended, the Governor again urges upon the House his religious Counsel.

A Debate arising, touching the Time for the Adjournment of the House; the President endeavours to mitigate it.

The Speaker endeavours to affect the People with the Governor's Condescension, and that after a divine Manner.

A Member moves, That the Members of the Lower Counties were in a great Strait, by reason of their being to assemble again about 21 Days hence, and desire the Governor may be acquainted therewith. Two Members are appointed for that Undertaking.

The Members employed, bring Intelligence, That the Governor is willing that the Assembly be adjourn'd for 21 Days, which was accordingly done, by Order of the Speaker.

The Minutes not expressing the Titles of the Chapters of the Constitutions or Laws pass'd this Sitting, but the Numbers only, it is thought proper to give here the Titles, as we find them in some old Copies, *viz.*

1. *Of Liberty of Conscience.*
2. *Qualifications of Officers,* &c.
3. *Against Swearing by* God, Christ or Jesus.
4. *Against Swearing by any other Thing or Name.*
5. *Against Speaking prophanely of* God, Christ, *Spirit or Scriptures.*
6. *Against Cursing.*
7. *Against Defiling the Marriage-Bed.*
8. *Against Incest.*
9. *Against Sodomy and Bestiality.*
10. *Against Rape or Ravishment.*

11. *Against Bigamy.*
12. *Against Drunkenness.*
13. *Against Sufferers of Drunkeness.*
14. *Against Health-Drinking.*
15. *Against Selling or Exchanging of Rum, Brandy or other Strong Liquors, to* Indians.
16. *Against wilful Firing of Houses.*
17. *Against Breaking into, or taking any Thing out of Houses.*
18. *Lands and Goods of Thieves and Felons,* &c. *Liable,* &c.
19. *Against Forcible Entry.*
20. *Against Unlawful Assemblies and Riots.*
21. *Against Assaulting and Menacing of Parents.*
22. *Against Assaulting and Menacing of Magistrates.*
23. *Against Assaulting and Menacing of Masters.*
24. *Against Assault and Battery.*
25. *Against Duels.*
26. *Against Riotous Sports and Practices, as Prizes,* &c.
27. *Against Playing at Cards, Dice, Lotteries,* &c.
28. *Against Sedition.*
29. *Against Speaking Slightingly, or Abusive Carriage against Magistrates or Officers.*
30. *Against Reporters, Defamers and Spreaders of false News.*
31. *Against Clamorous Persons, Scolders and Railers.*
32. *Provisions for the Poor.*
33. *Prices of Beer and Ale.*
34. *Measures and Weights.*
35. *Names of Days and Months.*
36. *Witnesses. Lying.*
37. *Pleadings, Processes and Records, to be in English.*
38. *Trials in Civil and in Criminal Matters.*
39. *Fees and Salaries, Bribery and Extortion.*
40. *Fines to be moderate,* &c.
41. *Numerous Suits avoidable.*
42. *Arrest of a Person departing the Province, how?*
43. *Promises, Bargains and Agreements.*
44. *Charters, Gifts, Grants, Conveyances, Bills, Bonds, and Specialities, Deeds, and how soon to be recorded.*
45. *What Wills shall convey Lands as well as Chattels.*
46. *Wills of* Non Compos Mentis *void.*
47. *Registry for Wills.*
48. *Registry for Servants,* &c.
49. *Factors and their Employers.*
50. *Against Defaces, Corrupters and Embezzlers of Charters, Conveyances and Records,* &c.

51. *How Lands and Goods shall pay Debts.*
52. *What Prisoners Bailable.*
53. *Goals and Goalers.*
54. *Prisons shall be Work-houses.*
55. *Wrongful Imprisonment.*
56. *Where the Penalty is either a Sum of Money or Imprisonment, the Magistrate shall inflict which he will.*
57. *Freemen, who.*
58. *Elections.*
59. *No Money or Goods, by Way of Tax, Customs, Contribution, to be raised or paid but by Laws.*
60. *Laws shall be printed, and taught in Schools.*
61. *All other Things not provided for herein, referred to the Governor and Freemen, from Time to Time.*

At an Assembly held at Philadelphia, the Twelfth Day of the First Month, 1682-3.

Members elected for each County, as followeth,

Kent.	Bucks.	Chester.
John Briggs,	*William Yardly,*	*John Haskins,*
Simon Irons,	*Samuel Darke,*	*Robert Wade,*
Thomas Hassold,	*Robert Lucas,*	*George Wood,*
John Curtis,	*Nicholas Waine,*	*John Blunston,*
Robert Bedwell,	*John Wood,*	*Dennis Rochford,*
William Windsmore,	*John Clowes,*	*Thomas Bracy,*
John Brinkloe,	*Thomas Fitzwater,*	*John Bezer,*
Daniel Brown,	*Robert Hall,*	*John Harding,*
Benoni Bishop,	*James Boyden,*	*Joseph Phippes,*

Phfladelphia.	Newcastle.	Sussex.
John Songhurst,	*John Cann,*	*Luke Watson,*
John Hart,	*John Darby.*	*Alexander Draper,*
Walter King,	*Valentine Hollingsworth,*	*William Futcher,*
Andros Binkson,	*Gasparus Hermon,*	*Henry Bowman,*
John Moon.	*John Dehoaes,*	*Alexander Moleston,*
Thomas Winn, Speaker,	*James Williams,*	*John Hill,*
Griffith Jones,	*William Guest,*	*Robert Bracy,*
William Warner,	*Peter Aldrich,*	*John Kipshaven,*
Swan Swanson,	*Hendrick Williams,*	*Cornelius Verhoof,*

By the King's Authority, and special Command of *William Penn*, Proprietary and Governor of the Province of *Pennsyl-*

vania, and Territories thereunto belonging, by his Writs issued forth to the Sheriffs of each respective County, for the Election of the Members of Assembly of Parliment, being the Deputies of the Freemen of the Province, *&c.* met at *Philadelphia*, at the Time aforesaid; and the Names of the several Members of each County were read over, then proceed to choose their Speaker; and by the Accent of the Whole House, *Thomas Winn* (one of the elected Members) having presented to the Governor, as Speaker, the Governor being very well satisfied therewith, approved of their Choice.

They return again, and the Speaker being seated in the Chair, adjourns the House to the fourth Hour in the Afternoon.

About the fifth Hour in the Afternoon, the House sat, the Speaker assumes the Chair, and puts the House in Mind of the Intent of their Coming, gives them Advise suitable to their present Undertakings, and bids them be mindful of their Duties towards one another.

The Speaker then reads the Orders and Decorum of the House, both towards him, as Speaker, and one towards another; he reads their Method to be observed in Debates, and that every Matter ought to be debated in the House, before it can be put to Vote.

It was moved by the Speaker, Whether the Charter of the Province should be read over. *Voted for, and carried in the Affirmative.*

The Charter was accordingly read, and then by the Clerk delivered into the Speaker's Hand.

A Debate arose touching the select Numbers mentioned in the Charter, for Members of Provincial Council, and General Assembly, but immediately ceased.

A Debate, Whether the fourteenth Article of the Charter should first of all be taken into Consideration of the House, but, in the End, for the present ceased.

A very good Proposal was made by a Member of the House, That it might be requisite, by way of Petition or otherwise, to move the Governor and Provincial Council, that the House might be allowed the Privilege of proposing to them such Things as might tend to the Benefit of the Province, *&c.* which possibly the Governor and Council might not think of, nor of very long Time remember, which might, in the Interim, tend to the great Detriment of the Province, *&c.*

The Speaker calling it to Remembrance, reproves several Members of the House, for neglecting to convene at the Time appointed, when the House last adjourn'd.

A Bill was sent from the Governor and Provincial Council, to an Assembly, touching *their Fidelity and Allegiance to the Governor*, requiring Subscription of their Names, *&c.* but at the present was *suspended.*

Proposed to the House, Whether they are willing to move the Governor and Provincial Council, that they might be invested with a Privilege of conferring with them. *Voted, and carried in the Affirmative.*

The Speaker, with *William Yardly* and *Thomas Bracy*, Members, were by the general Consent of the House, appointed to entreat of the Governor, the Privilege of Conference abovementioned. *Voted for, and carried in the Affirmative.*

By Consent, the Speaker adjourns the House to the ninth Hour the next Morning.

About the tenth Hour the House sat. The Speaker assumes the chair. The Names of the Members were called over, and several being wanting in the Assembly, occasioned the Speaker to reprove them as they came, for neglect of Attendance.

Then the Speaker declares the Governor's Answer, touching their Request for Conference with him and the Council, *which answer was condescential to their Request.*

A Debate arose in the House, concerning sundry needful Things as might require the aforesaid Privilege of Conference with the Governor, *&c.* concerning them.

Moved by a Member of the House, touching that Power, which the Member said the Assembly was invested with, to debate concerning Bills to be sent into the House by the Governor and Provincial Council. And it was debated, and further argued, that the House presuming to take that Power aforesaid, seemed too much to infringe upon the Governor's Privileges, and Royalties, and to render him Ingratitude for his Goodness towards the People. Several of the Members agree, That (the Governor's Good-will, and Demeanour towards the People, being considered) they are all in Duty bound, rather to restore that Privilege in his too great Bounty he hath conferred upon them, *viz.* Of Having the Power of giving a negative Voice, *&c.* to the Bills proposed unto them by himself, and Provincial Council, than to endeavour to diminish his Power.

The Governor, *&c.* sends to the Assembly for Conference with them. Put to the Vote, Whether the Assembly should resort to the Governor *&c.* according to his Desire or not; the Number of Votes was decided by Beans, put into the Balloting-box; and by the major Votes, it was *carried in the Affirmative.*

The Assembly removes to the Governor and Council, and confer with them. Afterwards return, and the Speaker re-assumes the Chair. He advises the Assembly to take into serious Consideration, the good Council of the Governor, as touching that weighty Matter of their establishing a Government for future Ages, *&c.*

A Test requiring Fidelity, and lawful Obedience, from the Members of Assembly to the Governor, was twice read, and after reading it was concluded by general Vote of the House, that *Griffith Jones*, and *John Cann*, two Members, should be employ'd to demand of the Governor, *&c.* whether that Test had been sign'd by the Provincial Council.

They return, and bring Answer, That it was sign'd by the Provincial Council; therefore the whole Assembly subscribed their Names to the aforesaid Test.

The Speaker adjourns the House till the fourth Hour in the Afternoon precisely.

About the Time appointed, the House met again.

The Speaker having assum'd the Chair, orders the Members Names to be called over; some of them being wanting, the Speaker sends the Door-keeper for them.

The House waits in Expectation of Bills from the Governor, and Provincial Council. In the Interim, one of the Members of the House moves, That a Way might be considered of by the House, how every Member might defray his particular Charges, during his attendance in the House for the Country's Service; which Motion, the Speaker putting to Vote, it was *carried in the Affirmative, viz.* That the Governor and Provincial Council, should be addressed unto by the House, touching that Matter.

A Debate arose in the House, concerning the Absence of some Members, where their Neglect of due Attendance is generally observed, and they therefor concluded by the present Members of the House, to merit some severe Penalty for the same.

The Governor sends for one of the Members of the House, to come and speak with him; whereupon the Speaker orders *William Yardly*, one of the Members, to wait upon him. He returns, and signifies, that the Governor by him informed the House, That what Matters of Moment himself and the Provincial Council, did intend to present to the House, were at present unprepared; and therefore desires the House to adjourn themselves until the next Day; whereupon,

The Speaker adjourns the House till the ninth Hour the next Morning.

About the Time appointed the House sat, the Speaker assumes the Chair, and orders the Clerk to call over the Burgesses, Names, which was accordingly done. And the Speaker orders the Clerk to set down the Names of such Members as were absent Yesterday, and are now absent without Leave of the House; which was done accordingly, and delivered to the Speaker.

The Speaker stands up, and reproves the Members that absent themselves as aforesaid, for their Neglect of Attendance.

The Speaker proposes to the House, to debate amongst themselves, whether or no it be requisite that any of the Members of the House shall be tolerated to absent themselves from the House, without Licence from the Speaker, and all the other Members of the House; whereupon a Debate arose in the House concerning That Matter; the Result whereof was, That all Members absenting themselves from the House without Licence, shall, for the future, be very considerably fined, according to the Discretion of the present Members. This was voted throughout the whole House.

The Speaker reads to the House the orderly Method of Parliaments, and the Demeanour of the Members, thereof observed in *England*, which he recommended to them, as civil and good: As also the Method observed by the *English* in Committees.

One of the Members moves, that the Charter may be read again; but another Member moving for a general Register, as a Thing more material to be taken into Consideration, the first Motion was at present excluded. A Debate arose in the House touching the Register.

The Speaker reads the twentieth Article, touching Enrolments and Registers: whereupon the Debate touching Registers still continued a while, but ceased at length without Determination.

Proposed by the Speaker, That the House should be adjourn'd till the fourth Hour in the Afternoon, which was generally agreed unto.

The Speaker adjourn'd the House till the fourth Hour in the Afternoon.

About the Time appointed the House sat. The Speaker having assumed the Chair, ordered the Members Names to be called over, who were all present except two, who were disappointed through Sickness.

Proposed, That two Members be sent to the Governor and Council, to be informed whether they had any present for the

Assembly, or not; put to the Vote, and *carried in the Affirmative.* Whereupon *Griffith Jones*, and *John Songhurst*, two Members, were elected for that Purpose.————They return, and signify to the House, That some Business would immediately be sent them from the Governor and Provincial Council, a Debate arose in the House touching the Number of Members of the Provincial Council intimating their Number to be too great; as also the same, touching the Number of Members of Assembly; but nothing relating thereto determined.

The Governor sends for two Members of the House, and ordered by the House, that *John Cann* and *William Yardly* be sent unto him.————They return, and signify, That the Governor and Provincial Council desire the Attendance of the Whole House.

Whereupon the House withdraws to attend the Governor, *&c.* as was desired.————The House, after some Time, returns; the Speaker reassumes the Chair, and refers to the House's Consideration, the good Disposition and Wisdom of the Governor, the Excellency of his Speech unto them before the Provincial Council.

Another Member hints at the undeserving Reflections and Aspersions cast upon the Governor, which the Governor, himself, and all good Members and Subjects, do, not without cause, resent as evil, from any Subject, but especially proceeding from any of the Members of Assembly.

The Speaker adjourns the House till Nine in the Morning.

About the Time appointed the House sat. The Speaker assumes the Chair, and declares to the House, That notwithstanding so many Cautions, several Members still neglect Attendance. *Voted.* That each absent Member shall pay for the Future, *Twelve-pence, Sterling*, for their Neglect. Whereupon Orders were writ concerning the same, and set upon the House Door.

A Member of the Provincial Council, acquaints the House, That the Governor and Council desire the Attendance of the whole House. Whereupon the Burgesses Names being called over, immediately withdrew to the Council-House.

About Half an Hour afterwards the House returns, the Speaker having assum'd the Chair, orders the Members Names to be called over again, who were all present except two that were finable, and some few others that were sick.

The Speaker prudently states and refers to the Consideration of the House, the Proposals of the Governor, made to them in the Council-House, as touching a Counter-Security

from them to him, *viz.* the Governor, "in case they forfeit his Patent by enacting such Laws as are contrary to the Grant and Tenure thereof, more especially considering that he, out of great his Love and Kindness, hath granted the People a Charter, whereby they have the Privilege of establishing Laws themselves, and giving a negative Voice to all Bills preferred unto them by the Governor and Provincial Council, if they approve them *or* not." Whereupon a Debate arose in the House touching the Matter.————In the Interim of the Debate, the Clerk of the Provincial Council, and some Members thereof, bring in a Paper, touching which the Provincial Council desire Conference with the House.

The Speaker reads the Paper, which related to the Governor's Security, *&c.* from the People, or Power given him from the People to secure himself. The Council and Assembly debate the Matter contained in the said Paper, and, touching Security to the Governor, as aforesaid.

Proposed to the Vote of the House, Whether the Governor shall have the Power of an over-ruling Voice in the Provincial Council, and in the Assembly; as to the Provincial Council, it was *carried in the Affirmative*, N. C. D. But as to the Assembly, it *pass'd in the Negative.*

By Order of the Speaker, the House adjourn'd till the third Hour in the Afternoon.

About the Time appointed the House sat. The Speaker having assumed the Chair, orders the Clerk to call over the Names of the Members; several being absent, are fined by Order of the Speaker.

The Governor sends for a Bill, tendered to the House in the Forenoon, but not read in the House, deeming it then improper to be expos'd to the View of the House.————The Speaker, with two other Members, return the Bill into the Hands of the Governor and Council, then return and report it to the House.

A Member proposes, That the Governor and Council might be moved, that some Means may be by them prescribed, for the Recording of the Minutes and Transactions of the Court, *viz.* some Order for the providing of Books, *&c.* for that Purpose. This was put to Vote, and *resolved in the Affirmative*, viz. that such Motion should be made.

The Clerk of the Provincial Council brought a Bill into the House, touching a Method to be observed in Proceedings of the Provincial Council, and General Assembly————The Time of their Sitting, the Manner of their Establishing of Laws, with the Title to be prefixed unto such Laws as are by

them enacted, *&c.* This Bill, by Order of the Speaker, was read by the Clerk: After some Debate on the said Bill, the Clerk was ordered to read over again some part of it, which was accordingly done, and finding in the said Bill some Variations from the printed Charter, it was put to Vote, Whether the fourteenth Article of the printed Charter should stand firm, together with those Variations thereof in the Bill, and it was *resolved in the Affirmative.*————The Clerk, by Command of the Speaker, reads the latter Part of the Bill; then it was put to Vote, Whether the whole Bill, together with the printed Charter (the Explanation of the said Charter mentioned in the Bill, being also admitted) should stand firm or not, and it was *resolved in the Affirmative.*

The Clerk by Order of the Speaker, adjourns the House to the third Hour in the Afternoon, the next Day.

About the Time appointed the House sat. The Speaker having assum'd the Chair, orders the Clerk to call over the names of the Members; which done, he proposes to the House, That the Bill read Yesterday, might be read over a second Time, which the House assented to. The Bill, by Order of the Speaker, was read in the House, whereupon a Debate arose, touching the Number of Members of Assembly thought meet for Election; this being a while debated, it was put to Vote, Whether six Members in each County were by the House thought a competent Number for the Assembly the next Year. The Question being put, it was *resolved in the Affirmative.*

The Bill having been read a second Time, the Question was put to the House. Whether the said Bill (the Alteration of it at the second Reading being admitted) should stand firm or not, and it was *resolved in the Affirmative.*

James Boyden, a Member of the House, desired the Liberty of departing the House for three Days, his Occasions being urgent, which was accordingly granted him. Little more Business presenting itself, the Question was put to the House, Whether they were willing to be adjourn'd till the third Hour in the Afternoon, the Day following, and it was *resolved in the Affirmative.*

John Blunston, and *George Wood*, two Members of the House, desire that they may have Liberty of the House to depart for two Days, which was accordingly granted them.

The Speaker adjourn'd the House to the third Hour in the Afternoon the Day following.

About the Time appointed the House sat. The Speaker having assumed the Chair, ordered the Clerk to call over the

Burgesses Names; being called, all the Members were present, but those that had Leave of the House.

The Speaker advises the Members to observe good Order in the House, then orders the Clerk to read the Bill a third Time, which being read accordingly, the Speaker put the Question to the House, Whether the Bill (with the foregoing Day's Variations, to stand only for one Year next ensuing) should stand firm and unalterable, as a Part of, and Appendix to the printed Charter, except altered by Assent of Six Parts of seven of the General Assembly, consisting of the whole Provincial Council, and whole Assembly. This Question being put, it was *resolved in the Affirmative, viz.* That it should so stand as now hereby is expressed.

The Whole House now withdraw to the Council-House, to consult touching the Bill, and to be certify'd by the Governor and Provincial Council, whether they will pass the said Bill, admitting the Variations made in it by the House.

The House returns: The Variations in the Bill having passed in the Council-House, were ordered by the Speaker, to be read by the Clerk; the Clerk according to Order read the said Variations a first, second and third time. This done, the Speaker put the Question to the House, Whether the Variations aforesaid, should be admitted in the Bill, and so the Bill accepted as Part of, and as Appendix to the printed Charter; the Question being thus put, it was *resolved in the Affirmative.*

The House withdraws to the Council-House, to make report that the abovesaid Variations, *&c.* had passed the House. The House immediately returns, and brings back the Bill, *&c.* Some Variations therein concluded on in the Council-House, were openly read in the House three times; then the Speaker put the Question to the House, whether the said Variations should stand firm with the Bill and printed Charter.

The Question being thus put, it was *resolved in the Affirmative.*

The Speaker, by Consent of the House, orders the Clerk to bring in a fair Copy of the Bill, together with the Variations therein, against the next Day of Sitting: This done, he adjourned the House till the eighth Hour in the Morning, being the 19th Day of the *1st Month.*

About the Time appointed the House sat. The Speaker having assumed the Chair, calls for a Copy of the Bill, which is now called. *A Bill of Settlement.* The Clerk delivers the aforesaid Bill, together with its Variations, into the Speaker's Hand.

By the Speaker's Order, the Burgesses Names were called over, they being all present, except such who had License from the House for their Absence.

The Speaker addresses himself touching the Bill and its last Variations. After some Debate arose in the House, the Bills Variations were read thrice; then the Speaker put the Question, Whether the Bill, together with those last Variations, should be admitted. The Question having been put, it was *resolved*, N. C. D. *in the Affirmative, viz.* That it should be admitted.

The House withdraws to the Council-House, and there reports to the Governor and Council, that the whole House had admitted the aforesaid Variations in the Bill.——This done, two members of the House, *Griffith Joncs*, and *Robert Wade*, were appointed to bring the Bill fairly ingross'd, with its Variations, to the Governor and Council; which they did accordingly.

William Clark, and *Francis Whitwell*, *Thomas Holmes*, and *James Harrison*, four Members of the Provincial Council, exhibit a Bill to the House, touching some material Provisions tending to the Good of the Province,——Upon reading this Bill, a Proposal therein occurred, relating to some Means whereby Wolves might be destroyed; whereupon a Debate arose in the House touching that Matter, but as yet left undetermind.

By Order of the House, adjourn'd till the third Hour in the Afternoon.

About the Time appointed the House sat; the Speaker having assumed the Chair, order'd the Names of the Members to be called over; several Members not coming into the House at the Time Appointed, ordered by the Speaker to be fined: But at their coming making a reasonable Plea for their Absence, by Consent of the other Members of the House, their Fines were remitted.

A Debate arose in the House, touching an Article in the new Bill, last before mentioned, relating to the burning of Woods and Marshes. The Speaker after this Debate put the Question, whether the first Day of the *First Month*, every Year, should be fixed on for that Purpose, and by general Consent, it was *resolved in the Affirmative*, That that Article should stand.

Another Article in the Bill was read to this Effect, *viz.* That every Person departing this Province, shall leave upon the Court-Door of the County whereunto they belonged, a Bill of their Departure, with their Names, *&c.* The Question

being put, it was *resolved in the Affirmative*, That that Article should stand.

Another Article relating to a Penalty for taking away of Boats, or Canoes, was read, debated on, put to the Question, generally *resolved in the Affirmative*. That that Article should stand.

Another Article was read, That all Freeholders, and Purchasers in the Province, not living in the Province, *&c.* shall pay suitable Taxes for their Non-service to the Province, *&c.* The Question being put, it was *resolved in the Affirmative*.

Another Article relating to some Means to be used for the Destruction of Wolves, was read, *&c.* being long debated, it was in the End concluded, *viz.* The Question was put, and and it was *resolved in the Affirmative*, *&c.* That that Article should stand.

Another Article was read, touching every County's Care for building Houses of Correction, *&c.* for Offenders in their respective Counties. This was debated on, and the Question being put, it was *resolved in the Affirmative*.

Another Article was read touching the Propagation of Hemp and Flax, with its use and Price; after Debatement the Question was put, and it was *resolved in the Affirmative*.

Another Article was read, touching runagate, and absenting Servants, their Penalties, *&c.* After Debatement the Question was put, and it was *resolved in the Affirmative*.

Another Article was read touching unknown Persons and Servants, their Limits of traveling, and their Passes, *&c.* After Debatement, the Question was put, and it was *resolved in the Affirmative*.

Another Article was read, touching a Fine to be levied on Masters and Mistresses, that shall sell their hired Servants before their Time of Service be expired. The Question being put, it was *resolved in the Affirmative*.

Another Article touching presentment of a Wolf's Head, *&c.* The Question being put, it *passed in the Negative*.

Another Article was read, touching the Marking of Cattle, *&c.* After Debatement, the Question was put, and it was *resolved in the Affirmative*, *&c.*

A Fine of *Five Shillings*, upon Default of any Member's Absence, for one whole Sitting, by general Vote of the House, Concluded to be paid by every Member so offending. Night approaching.

The Speaker adjourned the House until the eighth Hour the next Morning.

About the Time appointed the House sat, the Speaker as-

sumed the Chair, ordered the Members Names to be called over; then read the Bill (Article by Article) that was read the Day before.————Second reading the Bill.

All Things, Matters, and Suits of *Ten Pounds*, Sum, or above, depending in any inferior Court in this Province, in case of Appeals to the Provincial Council, &c. shall there be heard. This Article (its Contents being put to the Question) it was *resolved in the Affirmative*, viz. That this Article shall stand.

The second Article relating to burning of Marshes, &c. was read; the Question was put, and it was *resolved in the Affirmative.* &c.

The third, fourth, fifth and sixth Articles, were read, and *resolved in the Affirmative*, &c.

The seventh Article, &c. was read, and *resolved in the Affirmative.*———— The Amendment *(twenty Feet Square at least)* being admitted.

The eighth and ninth Articles were read, and *resolved in the Affirmative.*

The tenth Article, &c. was read, and *resolved in the Affirmative*, N. C. D. And so were all the other following Articles *resolved* upon.

The eleventh Article, *&c.* was read, and *pass'd in the Negative*, N. C. D.

The twelfth and thirteenth Articles were read, and *resolved in the Affirmative*, N. C. D.

The fourteenth Article was read, &c. and *resolved*, (N. C. D.) *in the Affirmative*, allowing the Addition.

The fifteenth Article was read, &c. and resolved on, by the major Votes, *in the Affirmative;* the Correction therein being allowed, *viz.* Horses to be thirteen Hands and a Half high, and two Years old, &c.

This done, no more Business presenting, the Speaker adjourn'd the House till the third Hour in the Afternoon.

About the Time appointed the House sat; the Speaker having assumed the Chair, orders the Clerk to call over the Burgesses Names.

Walter King, one of the Members (his Occasions urging) had Leave given him of the House to absent till next Sitting.

The Speaker moving that two Members of the House might be chosen to go, and report, That the Bill had passed after the second reading (with its Variations) to the Governor and Council.—The House chose the Speaker, himself, as also *John Songhurst*, and *William Yardly*, two other Members, to officiate in that Undertaking.——Whereupon they absent from the

Assembly to the Council-House. After the Expiration of about Half an Hour, the Speaker and Members aforesaid return, and report to the House, That the Governor and Council desire Conference with the whole House, whereupon the whole Assembly withdrew to the Council-House. After the Expiration of about one Hour, the House return'd.

The Speaker reassumed the Chair, reiterated the Governor's Kindness, and the Increase thereof proposed by him, to be mentioned in the Charter at the new engrossing thereof.

In the Interim, *Thomas Holmes* and *Lasse Cock*, *John Moll* and *John Simcock*, four Members of the Provincial Council, bring in some Bills into the House, to be taken into the Consideration of the House.

These Bills were read once, and confirmed by the House.

By general consent of the House, *Thomas Hassold*, *Griffith Jones*, *John Darby*, *John Blunston*, *Thomas Fitzwater*, *Luke Watson*, six members of the House, were elected out of the six Counties, to compose and present to the Governor a Salutation, by Way of the House's Acknowledgement of his Kindness, *&c.* ————Night approaching,

The Speaker adjourn'd the House till the ninth Hour the next Morning.

About the Time appointed the House sat. The Speaker assumed the Chair; ordered the Names of the Members to be called over *&c.* This done *Gasparus Herman*, one of the chosen Burgesses, having absented himself from the Beginning of the House's Sitting, to this present Day, was examined by the Speaker, touching his Absence.——His Pleas being weak, the House first voted him finable, then ordered him to pay the Fine of *Ten Shillings*.

The Speaker proposes to the House, that the printed Charter, Article by Article, might be openly read in the House, and seriously considered on; that so it might be more thoroughly understood, and the Disadvantages (if any therein) to the Freemen of the Province, proposed to the Governor, *&c.* to be removed, and the Privileges propagated in the new (to be engross'd) Charter.

The House assented to the Speaker's Proposal; whereupon he read the aforesaid Charter, paraphasing upon every material Thing appearing in any Article thereof.

An Amendment of the thirteenth Article appearing necessary,—the Speaker observed it, and interlined it.

The printed Charter of Liberties having been read, the Speaker put the Question to the House, whether the printed Charter, together with the Bill relating thereto, the Varia-

tions of the said Bill, with its Appendices, should be all engross'd together, and made into one entire Charter. The Question being put, it was *resolved*, (N. C. D.) *in the Affirmative*, *&c.*

The Bills that were last Sitting brought in by the Members of Provincial Council, last before mentioned, were in Part read a second Time.

An Article relating, that an Estate of Lands granted by Court, and seated *&c.* within the Terms of that Grant, should be forfeited; was read, long debated on, and, after Correction, *resolved in the Affirmative.*

A Request and Desire of the Members, and Freemen of the Assembly (being also an Acknowledgement of the Governor's lately offer'd Kindness of the said Freemen) was read openly in the House, the Contents whereof, related to a general Liberty of Fishing, Fowling, Hawking and Hunting, *&c.* in any Creek or Part of the River *Delaware*, with other Privileges, *&c.* After some Debatement, the Question was put, whether the aforesaid Request, *&c.* should be presented to the Governor, *&c.* and it was *resolved in the Affirmative.*

Griffith Jones, and *Thomas Fitzwater*, two Members, *&c.* were chosen by the House, to make the aforesaid Presentment.——This done, the House adjourn'd till the third Hour in the Afternoon.

About the Time appointed the House sat, the Speaker assumed the Chair; ordered the Members Names to be called over.

The Members appointed in the Forenoon for that Undertaking, withdrew to the Council-House, in order to present the afore-mentioned Request to the Governor. This done, and no Business presenting, the Speaker adjourn'd the House for one Hour.

After the Expiration of about an Hour, the House return'd, the Speaker having reassumed the Chair, reports to the House, That the Governor and Council were not sat; and that therefore no Business was at the present to be expected from the Council-House.

Andros Binkson, one of the Members of the House, solicited the Speaker, and rest of the House, that he might have Leave to be absent for the Space of one Day.——The House upon Consideration of the Emergency of his Occasions, permits his Absence for the Time required.

Then the Speaker adjourn'd the House till the eighth Hour the next Morning.

About the Time appointed the House sat. The Speaker as-

sumed the Chair ordered the Burgesses Names to be called over. This done, a Debate, arose in the House, touching an Article formerly read in the House, relating to Lands granted in any County Court, *&c.* As also touching an Amendment and Explanation of the said Article.——The Question being put, whether the aforesaid Explanation, *&c.* should stand;—— it *pass'd in the Negative.* But *resolv'd in the Affirmative,* that the said Article should stand (as formerly) without the Explanation.

The latter Part of the Bills (before left unread) were now read a second Time; after reading, the Question was put, whether the whole Bills, with Allowance of their Amendments, should stand, and it was *resolved in the Affirmative.*

John Moll, and *James Harrison,* two Members of the Council, bring into the House another Bill to be taken into the Consideration of the House.

The Speaker himself reads the said Bill.

The first Article whereof, related to some considerable Gift to be passed from the Master to the Servant at the Expiration of his Servitude, thereby to oblige him to continue his Service with Diligence.——The Question being put, it was *resolved in the Affirmative.*

The second Article related to Persons menacing one another's Life, or Harm *&c. Resolved,* (N. C. D.) *in the Affirmative.*

The third Article related to a Grand Inquest, to act several material Things in Courts twice a Year, *&c. Resolved* (N. C. D.) *in the Affirmative.*

The fourth Article relating to common Barretors, *&c.* was read, and *resolved* (N. C. D.) *in the Affirmative.*

The fifth Article relating to the Election of a Person for viewing Pipe-staves, *&c.* was read, debated on, and concluded to be corrected.

The sixth Article, and last, was read, relating to Drunkenness, prophane Speaking, *&c. resolved in the Affirmative.* (N. C. D.)

The Bill being thus once read, the Speaker adjourn'd the House till the eighth Hour the next Morning.

About the Time appointed the House sat. The Speaker having assumed the Chair, ordered the Clerk to call over the Members Names; this done,—the Speaker ordered the Bills to be read over again that were read the Day before.

The first Article was read, touching Servants, *&c.* debated on, and corrected; then the Question was put, whether the

said Article (its Variations being admitted) should stand firm or not. *Resolved in the Affirmative.*

The second third and fourth Articles were read, and *resolved in the Affirmative.*

The fifth Article was read, which (together with its Variations) was admitted; *resolved in the Affirmative.*

The sixth and last Article was read, *&c. resolved in the Affirmative.*

Another new Bill was read in the House the first Time.

The first Article was read relating to Exchange Bills, their Protestment, *&c.* debated on, *resolved,* by major Votes, *in the Affirmative.*

The second and third Articles, *resolved in the Affirmative.* The fourth Article relating to the hasting away of Letters direct-to the Governor, *&c.* was read, debated on, varied, then the Article with its Variations admitted, and *resolved in the Affirmative,* N. C. D.

The fifth Article was read, *resolved,* (N. C. D.) *in the Affirmative.*

The sixth Article was read, afterwards varied, then, together with its Variations, admitted, and *resolved in the Affirmative.*

The seventh and last Article was read, *&c.* and *resolved in the Affirmative.* (N. C. D.)

The Speaker adjourn'd the House till the third Hour in the Afternoon.

About the Time appointed the House sat again. The Speaker having assumed the Chair, ordered the Members Names to be called over.

The Bill read in the Forenoon was read a second Time.

The first, second, third, fourth and fifth Articles, were read, and *resolved in the Affirmative.*

The sixth Article, with its Variations, was read, and the Explanation thereof left to the Governor and Council, *&c.* thus resolved.

The seventh and last Article was read, *&c.* and *resolved in the Affirmative,* N. C. D.

James Harrison, and *William Clark,* two Members of the Council, came into the House, and presented some Bills of Laws, *&c.*

The first Reading.

Chap. 7. of the former Laws, relating to *Murder, &c.* was read, and *resolved in the Affirmative.*

Chap. 8. relating to *Manslaughter, &c.* was read, and *resolved in the Affirmative.*

Chap. 40. relating to *keeping of Ordinaries without License*, &c. was read, debated on, and *resolved in the Affirmative.*

Chap. 42. relating to *Courts of Justice and final Appeals, &c.* was read, *&c.* It *passed in the Negative.*

Nicholas Walne, one of the Members of the House (by Concession of the House) withdrew for a certain Time.

The Speaker adjourn'd the House till the ninth Hour the next Morning.

About the Time appointed the House sat. The Speaker assumed the Chair, ordered the Members Names to be called over, &c.

William Clayton, and *John Hillyard*, two Members of the Council, bring new Bills into the Assembly.

First reading.

The first Article relating to Persons dying Intestate, &c. was read and debated on.—After some Debates, several Members of the House were elected Committee Men, *viz. Griffith Jones, Gaspar Herman, Thomas Fitzwater, Thomas Bracy, Luke Watson, Benoni Bishop*, to inspect the aforesaid Article.

The second Article was read, relating to a Suit in Law, and Form of Proceeding, *&c.* and resolved in the Affirmative, N. C. D.

The third Article was read, relating to Fines, *&c.* not to be levied upon Mens working Instruments, *&c.* and *resolved in the Affirmative*, N. C. D.

The fourth Article was read, relating to Fornication, *&c.* and debated on; after Debate, *resolved in the Affirmative.*

The fifth Article relating to Marriage, &c. was read, and *resolved in the Affirmative.*

The sixth Article relating to Weights and Measures, was read, and *resolved in the Affirmative.*

Bills ordered to be read a second Time.

Second Reading.

First Article relating to Murder was read, *&c.* and debated on; and then pass'd in the Negative, until amended by the above-mentioned Committee.

Christopher Taylor, and *James Harrison*, two Members of the Council, bring Bills into the House.

The second Article touching Manslaughter, *resolved* in the *Affirmative.*

The third Article, touching Ordinaries, &c. was read, and *resolved in the Affirmative.*

The fourth Article, touching the Erecting of County Courts, *&c.* making Appeals, was read, debated on, and (its Variations admited) *resolved in the Affirmative.*

New Bill, first Reading.

The first Article, touching References and Arbitrations, &c. was read, debated on, and *resolved in the Affirmative.*

The second Article, touching Deeds of Sale; and third Article, relating to Deeds of Conveyance, &c. were read, and *resolved in the Affirmative.*

The fourth Article, touching the Estates of Deceased, &c. was read, and ordered to be returned to the Council, for Amendment, &c.

The fourth Article was read, relating to Childrens good Education and Learning, and *resolved* (after some Debate) *in the Affirmative.*

This done, the House adjourn'd till the third Hour in the Afternoon.

About the Time appointed the House sat. The Speaker assumed the Chair, and ordered the Names of the Members to be called over.

The fifth Article of the aforesaid Bill was read, relating to the Building of Ferry-boats to Creeks, necessary for carrying over Horse and Man, after reading, it was debated on, and *carried in the Affirmative.*

John Richardson, and *William Biles*, two Members of Council, present to the House new Bills.

First Reading.

The first Article, relating to building of Bridges over Creeks; and second Article, relating to Penalty for making of Wares over Creeks, were read, and *resolved in the Affirmative.*

The third Article, touching a Seal (called a *County Seal)* in each County, *resolved in the Affirmative.*

The fourth Article, touching Children-Guardians, was read, and somewhat debated on, &c. *resolved in the Affirmative.*

The fifth Article, Governor empowered to call Members of Provincial Council to his Assistance, in extraordinary Cases, *resolved in the Affirmative.*

The sixth Article, relating to the Passage and Value of Gold and Silver Coin, *resolved in the Affirmative.*

The seventh and last Article, relating to Juries upon Life and Death, &c. *resolved in the Affirmative.*

The House adjour'd till the ninth Hour in the Morning.

About the Time appointed the House sat. The Speaker assumed the Chair, and counsels the House to observe good Order and Decorum in their Proceedings.

This done, Bills were read the second Time.

The first Article, relating to keeping of Ordinaries, was read, &c. *resolved in the Affirmative.*

The second Article, relating to keeping of Courts of Justice and Appeals, was read, &c. *resolved in the Affirmative* (the Amendments being admitted) N.C.D.

The third Article was read, relating to wilful Murder, or the Cause thereof, *resolved in the Affirmative*, N.C.D.

The fourth Article was read, relating to Manslaughter, &c. resolved in the Affirmative. N.C.D.

The fifth Article, relating to Fornication, was read, resolved in the Affirmative, N.C.D.

The sixth Article was read, relating to Method of Proceedings in Marriage, &c. *resolved in the Affirmative* (the Amendments being admitted) N.C.D.

The seventh Article was read, relating to Estates of Persons dying Intestate, &c. resolved in the Affirmative (the Amendments being admitted) N.C.D.

The eighth Article was read, relating to Fines, &c. *resolved* in the Affirmative, N.C.D.

The ninth Article was read, relating to Pleas make in Court, and the Manner of them, &c. *resolved in the Affirmative*, N.C.D.

The tenth Article was read, relating to Weights and Measures, &c. *resolved in the Affirmative*, N. C. D.

The eleventh Article was read, relating to Arbitrations, &c. *resolved in the Affirmative*, N.C.D.

The twelfth Article was read, relating to Deeds of Sale, &c. *resolved in the Affirmative.*

The thirteenth Article was read, relating to the Form of Conveyances, &c. *resolved in the Affirmative*, N. C. D.

The fourteenth Article was read, relating to the Estates of deceased Persons; *this after reading, was left to be better worded.*

The fifteenth Article was read, relating to Childrens good Education in Learning, &c. *resolved in the Affirmative*, N.C.D.

The sixteenth Article was read, relating to building of Ferryboats over several Creeks, with the Price of Portage, &c. *resolved in the Affirmative.*

The seventeenth Article was read, relating to building of Bridges over Creeks and Rivers, &c. *resolved in the Affirmative. by the major Votes.*

The eighteenth Article was read, relating to a Penalty upon such as build Wares over Creeks, *resolved in the Affirmative*, N.C.D.

The nineteenth Article was read, relating to a particular

County-Seal in each County, &c. *resolved in the Affirmative*, N.C.D.

The twentieth Article was read, relating to Guardians over Persons under Age, &c. *resolved in the Affirmative.*

The twenty-first Article was read, relating to the Governor's having Power to call to his Assistance such Members of the Council as he shall see meet, &c. *resolved in the Affirmative*, N.C.D.

The twenty-second Article was read, relating to the Passage of Gold Coin, &c. with its Value in passing in the Province, &c. *resolved in the Affirmative*, N.C.D.

The twenty-third Article was read, relating to Election of Jurors for trial of Life and Death, by Sortilege, and that Sortilege made by a Child, &c. *resolved* (its Amendments being admitted) *in the Affirmative*, N.C.D.

The foregoing Bill having been thus read a second Time, the House adjourn'd till the second Hour in the Afternoon.

About the Time appointed the House sat again. The Speaker assumed the Chair.

A Bill read a second Time.

An Act of Oblivion, touching the former Breach of penal Laws (except Treason, Murder, &c.) was read and *resolved in the Affirmative.*

An Appendix to an Article, touching Fishing, Fowling and Hunting, was read, &c. and *resolved in the Affirmative.*

An Act, touching Aliens, their Privileges, &c. *resolved in the Affirmative.*

An Act, touching Mines, &c. *resolved in the Affirmative.*

No further Business accruing at present, the House adjourn'd to the seventh Hour the next Morning.

About the Time appointed the House sat. The Speaker having assumed the Chair, ordered the Members Names to be called over, as usually; this done *Thomas Holmes*, and *John Moll*, two Members of the Council, intimate to the House, from the Governor and Council, That they desire Conference with the House.

Whereupon the House withdrew to the Council-House. After some Conference touching Bills not passed; The House returns, the Speaker reassumes the Chair, reports and commands to the Consideration of the House, the Things treated of (in the aforesaid Conference) betwixt them and the Council.

The Speaker reads two Articles in the printed Charter, relating to the Election of Officers, by the Governor, &c.———— A Debate arose in the House, touching the aforesaid Articles.

————In the Interim, Bills are brought into the House by *William Biles*, and *William Clayton*, two Members of the Council.

The House adjourn'd to the third Hour in the Afternoon.

About the third Hour in the Afternoon the House sat. The Speaker assumed the Chair, ordered the Members Names to be called over, *&c.*

Then proceed to the Reading of new Bills.

First Reading.

The first Article was read, relating to the Defraying of publick Charges, due to the Provincial Council, and Assembly, during their Time of Sitting, *&c.* This, after Debatement, was *resolved in the Affirmative*, N.C.D.

The second Article being read, relating to the Fees due to the Governor's Secretary, Surveyor-General, Master of the Rolls, Treasurer, Provincial Secretary, Register, Justice of Peace, Sheriff, Coroner, Clerk of the County, Constable, *&c.*

This second Article being read, after some Debate, a Committee was resolved on by the House, to inspect the same, *viz.* For *Sussex* County, *Luke Watson;* for *Kent*, *Thomas Hassold;* for *Newcastle*, *John Darby;* for *Chester*, *John Blunston;* for *Philadelphia*, *Walter King;* for *Bucks*, *Robert Lucas.*

The aforesaid Committee withdraw apart, out of the House.

The Laws, passed the first Assembly, were read by the Speaker's Order.

The Preamble, touching *Naturalization*, &c. was read and *resolved in the Affirmative*, N.C.D.

First Reading.

Chapter 1. of Laws, read, touching *Liberty of Conscience*, and *Breach of the Sabbath;* then a Penalty, in case of Breach of the Contents of this Chapter, *&c.* was debated upon, and, in the End, it was *resolved* (N.C.D.) that every Offender in this Case should for every Offence of Neglect pay *Five Shillings;* but in case of Gaming, Drunkenness, or other Extravagancy, *Ten Shillings*, or ten Days Imprisonment; and so for every repeated Offence double the Penalty of the Offence last aforegoing.

Chap. 2. was read, relating to the *Qualification of Officers*, &c. *resolved in the Affirmative*, N.C.D.

Chap. 3. was read, touching *Offence of Swearing*, *resolved in the Affirmative*, N.C.D.

Chap. 4. was read, &c. relating to *Swearing*, also *resolved in the Affirmative*, N.C.D.

Chap. 5. was read, &c. touching *Prophane Speaking*, &c. *resolved* (N.C.D.) *in the Affirmative.*

Chap. 6. touching the *Offence of Cursing*, was read, &c. *resolved*, (N.C.D.) *in the Affirmative.*

Chap. 9. was read, touching the *Defiling the Marriage-Bed, &c. resolved in the Affirmative*, N.C.D.

Chap. 10. was read, touching *Incest, resolved* (N.C.D.) *in the Affirmative.*

Chap. 11. touching *Sodomy*, was read, &c. *resolved* (N.C.D.) *in the Affirmative.*

Chap. 12. was read, touching *Rape or Ravishment, &c. resolved in the Affirmative*, N.C.D.

Chap. 13, 14, 17, 18, 19, 20, 21. were read, touching *Bigamy or Poligamy; Drunkenness, Drinking of Healths; Selling Strong Liquors, as Rum*, &c. to Indians; *Firing of Houses; Burglary, or breaking of Houses; Lands and Goods of Thieves and Felons; resolved in the* Affirmative, N.C.D.

Chap. 22. was read, touching *Forcible Entry; resolved in the Affirmative*, N.C.D. these Amendments being admitted, *viz. (in the Judgment of the County Court.)*

Chap. 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 36. were read, touching *Seditious and Riotous Meetings; Assaults, and Menacing of Parents; Menacing of Magistrates; Servants, their Menacing Masters and Mistresses; Assault and Battery; Challenges to Fight; Prizes, Stage Plays, Bull-beats*, &c. *Gaming*, &c. *Seditious Writings; the Abuse of Magistrates; Slanderers and Defamers of Magistrates and other Persons*, &c. *Clamorous Persons;* and *Provisions for the Poor*, &c. *resolved in the Affirmative*, N.C.D.

Chapt. 41. was read, touching *the Names of Months and Week-Days;* resolved in the Affirmative.

Chap. 44, 45, 47, 48, 51, 53, 54, 58, 60, 61, and 62. were read, touching *Witnesses in case of Law Trials*, &c. *Records in Court; Suits betwixt Plantiff and Defendant, upon Bill or Bond, Balancing allow'd Arrests; Bargains in Buying and Selling; Wills of the Deceased; Wills of distracted Persons; Factorage and Factors; Corrupters of Charters, Records, Conveyances*, &c. *Payment of Debts, its Manner and Form; the Bail of Prisoners*, &c. *resolved in the Affirmative*, N.C.D.

The House adjourn'd till Eight in the Morning.

About the Time appointed the House sat. The Speaker, after taking the Chair, ordered the Members Names to be called over, &c.

Then the rest of the Laws were read by the Speaker.

Chap. 63. touching *Prisons being made Workhouses;* was read, &c. *resolved* (N.C.D.) *in the Affirmative.*

Chap. 64. was read, touching *the Behaviour of Goalers towards Prisoners; resolved* (N.C.D.) *in the Affirmative.*

Chap. 65. was read, touching *Persons wrongfully imprisoned; resolved* (N.C.D.) *in the Affirmative.*

Chap. 66. was read, touching *Fines and Penalties, for Offences,* &c. *resolved* (N.C.D.) Amendments being admitted, *in the Affirmative.*

Chap. 67, 68, 69, and 70. were read, touching *Such Persons as are to be accounted Freemen of this Province,* &c. *the Manner of electing Members of Assembly,* &c. *Raising of Money by Tax or Levy,* &c. and, *the Publication of the Laws of this Province; resolved* (N. C. D.) *in the Affirmative.*

Chap. 71. was read, touching *Such Material Things as were not Specify'd in the Chapter of Laws beforegoing, viz. That Such Things should be left to the Governor,* &c. *resolved* (N. C. D.) *in the Affirmative.* This done,

The Speaker proceeded to read the Bills, touching Fees belonging to Officers in the Province, a second Time, being amended by the Committee.

The first Article, touching the Secretary's Fees, was read, &c. *resolved in the Affirmative,* N.C.D. Admendments being admitted.

The second Article was read, touching the Surveyor-General's Fees; after Debatement (its Amendments being admitted) *resolved in the Affirmative,* N.C.D.

The third Article was read, touching the Master of the Roll's Fees; *resolved* (the Amendments being admitted) *in the Affirmative.*

The fourth Article was read, touching Provincial Clerk's Fees, &c. *resolved in the Affirmative,* N.C.D.

The fifth Article was read. touching the Treasurer's Fees, &c. *resolved* (N.C.D.) *in the Affirmative,* Amendments being admitted.

The sixth Article was read, touching the Register's Fees, *resolved* (Amendments being admitted) *in the Affirmative.*

The seventh Article, touching Justice of Peace's Fees, was read, &c. *resolved* (Amendments being admitted, *in the Affirmative,* N.C.D.

The eighth Article was read, touching the Sheriff's Fees, resolved (N.C.D.) in the Affirmative, (Amendments being admitted.)

The ninth Article was read, relating to Coroner's Fees, *resolved* (N.C.D.) *in the Affirmative.*

The tenth Article was read, relating to the Clerk of the

County's Fees, *resolved in the Affirmative*, N.C.D. (Amendments being admitted.)

The eleventh Article was read, touching the Constable's Fees, *resolved* (N.C.D.) *in the Affirmative.*

The twelfth Article was read, touching Fees, due to the Provincial Council, and Assembly, &c. *resolved* (N.C.D.) *in the Affirmative.*

Whereas the Speaker, with great Labour and kind Respect to the House, after signifying to the House, those Customs practiced in Parliaments, concerning the Duty which each Member owes to each other, and so to this House; several Members having shewed themselves disrespectful, having make Contumacies by absenting themselves, and breaking other good Customs agreed upon by this House: It is therefore, by the major Vote of this House, concluded, and by the Speaker ordered, that whosoever shall hereafter be guilty of the like Offences, unless in case of Sickness, or some very urgent and extraordinary Case, which the House shall judge to be so, every such Person shall pay *twelve-pence, Sterling*, forthwith, or the Value of it.

Signed in the Behalf of the Members, by

THOMAS WINN, Speaker.

William Markham, and *Christopher Taylor*, two Members of the Council, bring in Bills.

The first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth Articles were read, touching Declarations, and Freedom of Pleas, &c. the Estate of an intestate; Murder; Manslaughter; the Counterfeiting of any Person's Hand and Seal, or County-Seal, or Broad Seal; the Penalty upon abusive *Indians*, &c. Inhabitants of this Province, their Allegiance to the Governor, &c. such as shall derogate from the Judgment of a Court, by scandalizing it; Stealers of any Person's Cattle; such as shall presume to buy Lands of the *Indians*, not licensed by the Governor; Actions in Court, under *Five Pounds;* and such Persons as refuse to pay their Debts; *resolved in the Affirmative*, N. C. D.

The Bills and Laws read at this Sitting, were by Vote of the House confirmed and established; then recommended to the Speaker to be presented to the Governor.

An Act of Oblivion was read thrice and confirmed.

An Act touching *Privilege of Fishing, Fowling, Hunting*, &c. was read a third Time; *resolved and confirmed.*

An Article touching Aliens, was read the third Time, and confirmed by being *resolved in the Affirmative.*

An Article of Amendment, touching Privilege of Freemen, as concerning Mines found on their Lands, was read, and then submitted to by the House to be amended, and presented to the Governor and Council.

This done, the House adjourned till the third Hour in the Afternoon.

About the Time appointed the House sat. The Speaker assumed the Chair, &c. then produced several Bills and Laws, which had been formerly twice read in the House, and *resolved* on, fairly engrossed by the Clerk of the Provincial Council.———The aforesaid Bills and Laws, were by the Speakers's Order read in the House by the Clerk a third Time, and *resolved in the Affirmative, viz.* That they should be pass'd into Provincial Laws.———This done,———the Speaker in the Name, and by Consent of the whole House, subscribes them *committed*, &c. then returns them to the Governor and Council.

The House now adjourned till Nine in the Morning.

About the Time appointed the House sat.

Immediately, *Christopher Taylor*, and *James Harrison*, two Members of the Council, give Intelligence to the House, that the Governor and Council desire Conference with the House; whereupon the House withdrew to the Council-House.

After a considerable Time of Conference, the House returned, and adjourned till the eighth Hour the next Morning.

About the Time appointed the House sat. The Speaker having assumed the Chair.

Immediately *John Moll*, and *James Harrison*, two Members of the Council, present the Speaker with new Bills from the Governor and Council.

First Reading.

The first Article, touching a Penalty upon such Persons as shall kill any Cow-calves, or Ewe-lambs, in this Province, before the Expiration of three Years, *&c. resolved*, with Amendments, *in the Affirmative*, N. C. D.

The second Article, touching illegal Falling of other Persons Trees, *&c. resolved*, (N.C.D.) *in the Affirmative.*

The two Articles aforesaid, were read a second Time, and *resolved in the Affirmative*, N. C. D.

The second Reading of the Bill, touching Fees.

Admiralty-Office Fees, belonging to the Governor, *resolved* (N. C. D.) *in the Affirmative.*

Register's Fees were read, and *resolved* (N. C. D.) *in the Affirmative.*

Treasurer's Fees were read, and *resolved* (N. C. D.) *in the Affirmative.*

Provincial Secretary's Fees were read, and *resolved* (N. C. D.) *in the Affirmative.*

Justices of the Peace's Fees were read, and *resolved* (N. C. D.) *in the Affirmative.*

Sheriff's Fees were read, and *resolved* (N. C. D.) *in the Affirmative.*

Witnesses Fees were read, *&c.* and *resolved in the Affirmative*, Amendments being admitted, N. C. D.

Coroner's Fees were read, and *resolved in the Affirmative*, N. C. D.

Clerk of each County Court's Fees were read, and *resolved*, by major Votes, *in the Affirmative.*

This done, a Petition to the Governor (already signed by several Members of the Council) touching the City Lots, was read in order to be signed by such Members of the House, as were free thereto, *&c.* The Petition was accordingly signed.

The House adjourn'd till the third Hour in the Afternoon.

About the Time appointed the House sat; but no Business then occurring, tho' expected, the House adjourn'd till the seventh Hour the next Morning.

About the Time appointed the House sat. The Speaker assumed the Chair, *&c.*

Then informs the House, That the Governor and Council, will require Conference with the House, *&c.* And that the Charter of the Province will be openly read.

Bill read a second Time.

The first Article, touching Fees allowable to the Members of Provincial Council and Assembly, was read, *&c.* and *resolved in the Affirmative.*

First Reading another Bill.

The first Article, relating to the defraying of each County's Charges by Taxes, in case of publick Business, was read, and *resolved in the Affirmative.*

The above-said Article was read a second Time, and, after well weighing it, and some Debate, *resolved in the Affirmative*, by the major Votes.

James Harrison, and *John Simcock*, two Members of the Council, present the House with Bills.

First Reading.

The first Article, touching Members of Provincial Council

and Assembly, their paying but Half Taxes, *&c. resolved*, by major Votes, *in the Affirmative.*

Second Reading.

The first Article, touching Servants, their Encouragement by Gifts from their Masters at the Expiration of their Time, *&c. resolved* (N. C. D.) *in the Affirmative.*

The second Article, touching a Penalty upon Threateners, *&c.* was read, and *resolved* (N. C. D.) *in the Affirmative.*

The third Article, touching the abusing of *Indians*, was read, *resolved* (N. C. D.) *in the Affirmative.*

The fourth Article, was *resolved* (N. C. D.) *in the Affirmative.*

The fifth Article, touching Pipe-Staves, was read, *&c. resolved* (Amendments being admitted) *in the Affirmative*, by major Votes.

The sixth Article, was read, &c. and *resolved in the Affirmative.*

The seventh Article was read, &c. *resolved in the Affirmative*, N. C. D.

The Speaker, and some other Members, withdraw to the Council-House, to return the Bills now last read.———After some Time they return.

The Speaker reports to the House from the Council, that the Bill touching Half Taxes only, to be paid by the Council and Assembly, had, as it were, surreptitiously and unknown, crept into the House. Whereupon, the Speaker putting the Question to the House, Whether the said Bill should be allowed? It *pass'd in the Negative*, N. C. D.

No more Business at the present occuring, the House adjourn'd till the second Hour in the Afternoon.

About the Time appointed the House sat.

James Harrison, and *John Simcock*, two Members of the Council, give Notice to the House, That the Governor and Council desire Conference with the House.———Whereupon the House immediately withdrew to the Council-House, where the Provincial Clerk read over the Laws (being fairly ingross'd) by Command of the Governor.

The Governor orders the Clerk aforesaid, to read the said Laws, Article by Article, and, after reading, put the Question to the General Assembly, touching each respective Article; and it was *resolved*, touching every of the above-said Articles, *in the Affirmative*, *viz.* That all, and every of the Articles so read, should pass into Law.

This done, the Assembly adjourned in the Council-House,

till the seventh Hour on the Second-day Morning next following, being the second Day of the *Second Month*.

About the Time appointed the House sat. The Speaker assumed the Chair, *&c.*

William Biles, one of the Members of Council, presents Bill into the Speaker's Hands.

The Speaker audibly reads in the House, a Petition to the Governor from the Council and Assembly, That the Charter of Liberties of the Province of *Pennsylvania*, might bear Date at *Philadelphia*, and not in London.———The above-said Petition had been signed by the Council, and was now sign'd by the House.

A Committee was chosen of six Members of the House, out of each of the six Counties; one, *viz.* to conclude and determine a Fine to be levied upon the Members that had absented themselves during the whole Sessions of the Assembly, *&c.* The Names of the said Members of Committee, were, *William Windsmore, Joseph Phipps, Robert Hall, John Darby, Walter King, Luke Watson.*

Thomas Holmes, John Moll, William Haig, and *John Hillyard*, four Members of the Council, present Bills into the Speaker's Hands.

Third Reading.

The first Article was read, being an Act of Indemnity or Oblivion, touching former Crimes, *&c. resolved* (N. C. D.) *in the Affirmative.*

An Act touching Master of the Roll's Fee, was read, *&c. resolved in the Affirmative*, N. C. D.

The first Article, touching the Form and Times of Marriage, was read, *&c.* debated on, and *passed in the Negative.*

William Clark, and *William Biles*, two members of the Council, present more Bills to the Speaker's Hands.

First and second Reading.

An Article was read, touching speedy Justice to be done to the Poor, *&c. resolved* (N. C. D.) *in the Affirmative.*

First Reading.

An Article touching Trials of Freemen, *&c.* resolved (N. C. D.) *in the Affirmative.*

This Article was read again, and *resolved* (N. C. D.) *in the Affirmative.*

John Simcock, and *John Richardson*, two Members of the Council, present Bills into the Speaker's Hands.

First Reading.

An Article was read, touching several Laws already resolved on by the House, *viz.* That they should stand firm

and irrepealable, except six Parts of Seven of Provincial Council and Assembly should consent thereto; *resolved* (N.C.D.) *in the Affirmative.*

First Reading.

An Article was read, touching Fees to be paid in Coin, or Produce of the Country;——*resolved* (N. C. D.) *in the Affirmative.*

The two Articles last aforesaid, were read a second Time, and *resolved* (N.C.D.) *in the Affirmative.*

James Harrison, and *Christopher Taylor*, two Members of the Council, present the House with Bills.

First Reading.

A Bill touching the Assize of Bread, was read, *&c. resolved* (N.C.D.) *in the Affirmative.*

The said Bill was read a second Time, and *resolved in the Affirmative*, N.C.D.

A Bill, touching Ships, the due Entry of their Cargo, was read twice, and *resolved* (both Times) *in the Affirmative*, N. C. D.

The Committee appointed for constituting Fines, *&c.* to be paid by absent Members, for their neglect of Attendance, *&c.* deliver a Bill of those Fines, *&c.* into the Speaker's Hands, the Speaker reads it; and the Question being put, *&c.* it was *resolved in the Affirmative*, N.C.D.

Francis Whitwell, *John Simcock*, and *John Richardson*, *three* three Members of the Council, bring Bills into the House.

First Reading.

An Article, touching Taxes to be lieved upon Rum, and other Liquors, *&c.* was read, debated on, and left undetermined.

William Haig, and *William Biles*, two Members of Council, present more Bills to the House.

First Reading.

A Bill, touching careful cleansing of Corn by the Seller, *&c.* was read and debated on, *&c.* then *resolved* (Amendments being admitted) *in the Affirmative.*

First Reading.

A Bill, touching Railers, *&c.* was read, and *resolved* (N.C. D.) *in the Affirmative.*

John Simcock, and *James Harrison*, two Members of the Council, present Bills to the House.

First Reading.

A Bill, touching the Publication of the Laws. *&c.* was read, and *resolved* (N.C.D.) *in the Affirmative.*

The House adjourn'd till the third Hour in the afternoon.

At the Time appointed the House waited upon the Gover-

nor and Council, in the Council-House. The Clerk of the Council, by order of the Governor, read the Charter of the Province fairly engross'd in Parchment; which done, the Governor solemnly testifies to the General Assembly, That what was inserted in that Charter, was solely by him intended for the Good and Benefit of the Freemen of the Province, and prosecuted with much Earnestness in his Spirit towards God at the Time of its Composure. This done, he sealed and signed the said Charter, and delivered it to the Speaker of the House and two other Members, who received it in the Name of all the Freemen of the Province, by signifying an Acknowledgment of the Governor's Kindness, in granting them that Charter of (more than was expected) Liberty.

This done, the said Charter was attested by Indorsement of the Members of Provincial Council and Assembly, subscribing their Names, as also the Governor's Secretary, Clerk of the Council, and Clerk of the Assembly; with such of the Inhabitants of *Philadelphia*, as were then present. This done, its Keeping was recommended to such Person, or Persons, as were thought most fit to be intrusted with a Matter of so great Concernment.

The General Assembly adjourn till the seventh Hour the next Morning.

About the Time appointed the General Assembly sat in the Council House.

The Clerk of the Provincial Council called over the Names of the Members of Council; the Clerk of the Assembly called over the Names of the Members of Assembly.

The Governor and Members being present, it pleased the Governor, to give Liberty to the House of making Proposals of such Things, and Matters, as they thought might prevent such Evils and Aggrievances, as were likely otherwise to fall upon the People of this Province; that so such Matters as aforesaid, might be pass'd into Laws, for the Good of its Inhabitants. Whereupon a Debate arose, touching the Value and Weight of Coin *Spanish*, &c. but in the End, was suspended.

A Debate arose upon a Bill, touching the Transportation of Felons into this Province, *&c.* The Question being put, it *passed in the Negative.*

But it was *resolved in the Affirmative*, That (upon Consideration of Felons under Conviction of Conscience, being likely to become good Men) Felons should and might be admitted into this Province, *&c.* by a Law which for that End should be Established.

A Bill touching the Value and Weight of *English* Coin, was read, and debated upon, After Debatement the Question being put, it was *resolved in the Affirmative*, That the said Bill should stand firm, together with its Supplement, touching the Value of Pieces of Eight, called *Pcrues*. This done,

The Governor read an Article in the King's Letters Patents granted him, touching the Necessity of the Laws to be passed under the Great-Seal of the Province, and his own, the Council's and Assembly's Indorsement.

The Question was put (after Reading) Whether all laws should be passed under the Great-Seal of the Province; and thus indorsed by the Clerk of the Council (passed in the Council) his Name being subscribed thereto, as also by the Speaker of the House (passed in the Assembly) the Speaker's Name being subscribed, and then recommended to the Great-Seal? *Resolved* (N.C.D.) *in the Affirmative.*

The Governor adjourn'd the House for a Time.

About the Noon-time of the Day the House sat, by the Governor's Order. The Speaker having assumed the Chair.

A Debate arose in the House, touching Members finable.

Peter Aldrich, and *John Dehoaef*, ordered to be fined in the Sum of *Five Pounds*, for Non-Attendance during the whole Sessions of Assembly, and *John Cann*, in the Sum of *Forty-Shillings*, *Alexander Draper*, in the Sum of *Five Pounds*.

The House adjourn'd to their respective Places of Habitation by the Governor's Order, the third Day of the *Second Month*, 1683.

By the KING'S *Authority*, and *especial Command and Order of* WILLIAM PENN, *Sole Proprietary, and Governor of the Province of* PENNSYLVANIA, *and Territories thereof, the Deputies of the Freemen of the Said Province, &c. assembled themselves at the City of* PHILADELPHIA, *the Twenty-Fourth Day* of the EIGHTH MONTH, 1683.

Members elected for each County, as followeth.

Philadelphia.	Newcastle.
Thomas Winn, Speaker.	*John Cann*,
John Songhurst, D. Speak.	*James Williams*,
John Hart,	*John Darby*,
Griffith Jones,	*William Guest*,
Walter King,	*Valentine Hollingsworth*,
William Warner,	*Gasparus Herman*,
Andros Binkson,	*Peter Alricks*,
Swan Swanson,	*Johannes Dehaes*,
	Henrick Williams,

Kent.	Chester.	*Sussex.*
John Briggs,	*John Hastings,*	*Luke Watson,*
William Windsmore,	*Thomas Bracy*	*John Hill,*
Simon Irons,	*Robert Wade,*	*Alexander Draper,*
John Brinkloe,	*John Bezer,*	*Robert Bracy,*
Thomas Hassard,	*George Wood,*	*William Futcher,*
Daniel Brown,	*John Harding,*	*John Kipshaven,*
John Curtis,	*John Blunston,*	*Henry Bowman,*
Benoni Bishop,	*Joseph Phipps,*	*Cornelius Verhoos,*
Robert Bedwell,	*Dennis Rochford,*	*Alexander Molleston,*

Bucks.

William Yardly,
Samuel Dark,
Thomas Fitzwater,
Robert Lucas,
Robert Hall,
Nicholas Walne,
James Boyden,
John Wood,

The House sat, the Members Named were called over. Afterwards they proceed to choose a Speaker to supply in the Absence of *Thomas Winn.*

Proposed to the House, Whether *John Songhurst* should stand a Speaker of the House during the Absence of *Thomas Winn;* this being put to the Vote, it was *resolved in the Affirmative.*

The Governor being acquainted, is well pleased with the Choice.————The Speaker assumes the Chair, gives religious and wholesome Council to the Members of the House; acknowledging their Love and Respects in choosing him, who esteem'd himself less fit than some others, to supply in an Office of such great Concern.

The House, by general Consent, adjourn'd till the eighth Hour in the Morning.

About the Time appointed the House sat. The Speaker, *Thomas Winn,* now returned, and assumed the Chair; makes a short Application to the House, touching the decent Demeanour of the Members.

A Debate arose in the House, concerning the Forestalling of Markets; but the Governor and Council, desiring the Attendance of the House, that, for the present, ceased.———— The House having for some Time attended the Governor and Council, return.

Proposed to the House by the Speaker, as an Expedient,

viz. That an Address be made to the Governor and Council, that all Bills prepared by the Governor and Council, to be passed into Laws, might be published by Proclamation made; that upon a Day appointed, all the Members of each County should resort into the chief Place of the County, and there have an Audience of them; that so Consideration of them being had there, they might be passed into Laws, or rejected at the Sessions of Assembly, with less Expence of Time and Trouble.

This Proposal was debated in the House, and the Speaker putting it to the Vote, it was *resolved in the Affirmative.*

A Bill touching the interruption of Members of Council and Assembly, as also touching Actions of Law to be commenced against such Members, was read in their Manner and Form.—— The Speaker putting the Question, it was *resolved in the Affirmative,* N.C.D.

A Bill touching Corn, Tobacco, Skins, Beef and Pork, with other Country Produce, passing for current Pay in the Province, *&c.* was read; the Question being put, it was *resolved in the Affirmative,* N.C.D.

A Bill was read, touching the Sheriff's Summoning Freemen for Juries ten Days before the County Court. The Question being put, it was *resolved in the Affirmative,* N.C.D.

A Bill was read, touching Justices and Counsellors, their Removal from the Bench or Board, at what Time they are concerned in a Suit at Law or Appeal; *resolved in the Affirmative,* N.C.D.

A Request was made to the House by the Governor and Council, That a competent Number of the House might serve upon a Jury (during the House's Adjournment) in a Trial depending, touching new Coining; to which Request, the House generally *assented.*

John Simcock, a Member of the Council, requested the House in Behalf of the Governor and Council, That *Griffith Jones,* a Member of the House, might be spared as an Evidence in the aforesaid Trial; to which the House generally *assented.*

A Bill was read, touching fencing in of Horses brought, or to be brought into this Province for sale, or otherwise; *resolved in the Affirmative.*

A Bill was read, touching the Exportation of Horses, *&c.* The Question being put, it was *resolved in the Affirmative.*

A Bill was read, touching Fees due to Court Officers, or others, and their Time of Payment, and *resolved in the Affirmative,* N.C.D.

A Bill was read, touching Discounting in the Way of Trade,

that Multiplicity of Suits might be avoided; *resolved* (N. C. D.) *in the Affirmative.*

A Bill touching preparing Buoys for the River *Delaware*, in order to direct the Way of ships, was read, *resolved* (N.C. D.) *in the Affirmative.*

A Bill touching Servants absenting themselves from their Masters Service, was read, *resolved* (N.C.D.) *in the Affirmative.*

The House adjourn'd for one Hour.

After the Expiration of one Hour, the House assembled together. The Speaker having assumed the Chair, ordered the Members Names to be called over.

Thomas Holme, and *James Harrison*, two Members of the Council, signify to the House, That the Governor, and Council desire the Attendance of the whole House: Whereupon the House withdraw to the Council-Board, where the Bills, read the former Part of the Day, were again read, and passed into Laws.

The House returns: The Speaker intimates to the Members, that the Governor having dismiss'd them from their present Concern, yet had granted them Liberty to consult amongst themselves, touching such Proposals to be made to the Governor, and Council, as might tend to the Benefit of the Province, *&c.*

A Schedule of Acknowledgment of the Governor's Favours, was writ, and subscribed by the Members of Assembly, and then presented to him by the Speaker, and others. This done, the Speaker adjour'd the House till the next General Sessions of Assembly.

At a General Sessions of ASSEMBLY, *held at* NEWCASTLE,

the Tenth DAY *of the* THIRD MONTH, 1684.

The Governor, and Provincial Council, and Deputies of the Freemen of the Province, *&c.* being met in a General Assembly, the Sheriffs Returns being called for by the Governor, were brought in, wherein an Account was given of the elected Members of Assembly, as follows.

Sussex.	Newcastle.	Bucks.
John Roads,	*James Williams,*	*William Beakes,*
Henry Bowman,	*John Darby,*	*John Clowes,*
Hercules Shepperd,	*William Grant,*	*Richard Howgh,*
Samuel Gray,	*Gasparus Herman,*	*John Otter,*
William Emmet,	*Abraham Man,*	*Edmond Bennet.*
Henry Stretcher,	*John White,*	

Philadelphia.	Chester.	Kent.
Nicholas More, Speaker	*Joshua Hastings,*	*John Briggs,*
John Songhurst,	*Robert Wade,*	*John Glover,*
Francis Fincher,	*John Blunston,*	*John Curtis,*
Lassie Cock,	*George Meris,*	*William Sherwood,*
Joseph Growden,	*Thomas Usher,*	*James Wells,*
John Hart,	*Henry Maddock.*	*William Berry,*

The Governor having assum'd his Seat of Authority, makes his Address to the General Assembly in the Way of Christian Council and Exhortation, advising the Members of Assembly, to look unto "God, in all their Proceedings, and to act in every Thing, not with any unadvised Rashness, but with serious Consideration."———This done, the Governor withdraws the House, and Provincial Council and Assembly, by his Order, withdraw with him; but the members of Assembly immediately return.

By general Consent of the House, the Clerk call over the Names of the Members of the House.

The Members of the House do now proceed to choose their Speaker.

Francis Fincher, a Member of the House, being chosen Speaker by major Votes of the House; he in modest Manner was pleased to refuse that Choice, with an humble Acknowledgment of his own Insufficiency for so great an Undertaking.

Nicholas More, being proposed (against Joseph Growden) to be elected Speaker of the House, was by the major Votes accepted.

By consent of the House, *Lassie Coock*, and *John White*, conduct the Speaker to his Chair.

The House attend the Person of the Speaker, in order to present him unto the Governor; whereof *Francis Fincher*, and *John Songhurst*, two Members, were elected by the House to present him accordingly.

The House adjourn'd till the second Hour in the Afternoon.

About the Time appointed the House sat.

The Speaker having assumed the Chair, and being accepted by the Governor, as Speaker, orders the Clerk to call over the Names of the Members of Assembly.

The House proceeds to chuse a Committee of Privileges and Elections, that so the Legality of the Election of Deputies may be inspected.

The chosen Members of the Committee aforesaid, were *Wil-*

liam Beeks, John Roads, Joseph Growden, James Williams, Thomas Usher, John Glover.

The Speaker of the House *proposes to the Vote of the House*, That *Abraham Man*, and *John White*, may apply themselves to the Master of the Rolls, for a true Copy of the *Great Charter of Liberties*, which was accordingly voted for, and *carried in the Affirmative.*

The two Members aforesaid, withdraw, in order to obtain the said Copy.

The Great Charter of Liberties was read by Consent of the whole House.

The Speaker, by general Vote of the House, adjour'd the House till the twelfth Day, and seventh Hour in the Morning.

About the Time pre-appointed the House sat. The Speaker having assumed the Chair, orders the Names of the Assembly to be called over, where several Members being absent, were fined therefore in the Sum of *Twelve-pence* each Person.

The Orders of the House, by Command of the Speaker, were read over; then *Joseph Growden*, the Chairman of the Committee, makes a Report, That there was no Appearance of any Miscarriage in the Election of the Members of the House.

The Speaker *proposes* to the House, Whether any Sheriff, during the Time of his present Office of Sheriffalty, shall be capable of being elected a Member of the House, or not? It *passed in the Negative.*

The Speaker orders the *Act of Settlement* to be audibly read, which was done accordingly; then the seventeenth, thirteenth and last Articles of the *Grand Charter.*

This done, he orders the Provincial Bills to be read, which was done accordingly, this being the first Reading of them.

The first Bill was again read by the Speaker, relating to the Passing the ensuing Bills into Laws.

Proposed to the Vote of the House, That the thirty-fourth Chapter of Laws relating to *Weights and Measures Standard*, should be *repealed*, which was *carried in the Affirmative*, there being another Law supplying the same.

Proposed to the Vote of the House, That the thirty-ninth Chapter of Laws, relating to *Fines*, be *repealed*, which was *carried in the Affirmative*, there being another Law supplying the same.

Proposed to the Vote of the House, That the Law, relating to the *Printing of the Book of Laws, &c.* shall be *repealed*, this *passed in the Negative.*

Proposed to the Vote of the House, That a Committee of the House be appointed, to consult with a Committee of the Council, touching the sixty-eighth Chapter of Laws, mentioned in the Book of Bills, which was *carrid in the Affirmative.* A Committee was chosen accordingly, *viz. Joseph Growden, John White, Abraham Man, John Blunston, John Songhurst, Francis Fincher, John Hart, Robert Wade, Thomas Usher, Edmond Bennet, John Glover* and *John Darby.*

The House adjourn'd till Half an Hour past Two in the Afternoon.

About the Time pre-appointed the House sat. The Speaker assumed the Chair, and ordered the Names of the Members to be called over, which was accordingly done.

Proposed to Vote, That the Law relating to a *Liberty for the running Abroad of Horses*, might be *repealed;* this was *carried in the Affirmative.*

Proposed to the Vote of the House, That the hundredth Chapter of Laws, containing a Law relating to the *Keeping of Ordinaries, &c.* shall be *repealed;* this was *carried in the Affirmative*, there being another Law supplying the same.

Proposed to the Vote, That the hundred and thirty-fifth Chapter, relating to *Marriages*, might be *repealed;* this was *carried in the Affirmative*, there being another Law supplying the same.

Proposed to Vote, That the Bill, relating to Marriages (supplying the Defect of the Law last repealed) should pass into a Law; that was *carried in the Affirmative.*

Proposed to the Vote, That the Law, shewing *the Method to be observed in Proceedings as to Suits in Law*, might be *repealed;* this was *carried in the Affirmative*, there being another Law supplying the same.

Proposed to the Vote, That the Bill relating to the holding of a Monthly and Quarterly Sessions, *&c.* might pass into a Law; this was *carried in the Affirmative.*

Proposed, to the Vote, Whether the Bill, expressing, that one third Part of the Provincial Council at least, shall always attend the Governor, *&c.* shall pass into a Law or not? This was *carried in the Affirmative.*

Proposed, That a Bill, expressing, that one Member of the Provincial Council out of each County, should always attend the Governor, *&c.* might pass into a Law; this was *carried in the Affirmative.*

Proposed, That the Bill, expressing the Time wherein Laws newly enacted, or otherwise, shall begin to be in Force, *&c.* might pass into a law; this was *carried in the Affirmative.*

Proposed, That the Bill, relating to the Establishment of five Provincial Judges, *&c.* might pass into a Law; this was *carried in the Affirmative*, only the following Addition was by general Vote of the House required to be made, *viz.* That the same should only stand in Force during the natural Life of the present Governor, by and with the Consent of the Provincial Council.

Proposed, That the Bill relating to corporal Punshment by Stripes, might be passed into a Law; this was *carried in the Affirmative.*

Proposed, That the Bill relating to Fines, Forfeitures and Taxes, *&c.* with their Manner of levying, might be passed into a Law; this was generally *answered in the Negative.*

Proposed, That the Bill relating to Grant of a Liberty for Selling Rum to the *Indians*, upon Condition, *&c.* might pass into a Law; this was *answered in the Negative.*

Proposed, That the Committee of the House, and Provincial Council, shall consult together, Whether Laws, constituted for a certain Time, in them mentioned, do not of themselves expire, at the Termination of the said Time, except the General Assembly is pleased to revive them.

Proposed, That the Bill relating to the Rates of Provision, Lodging *&c.* to be taken in Ordinaries, might pass into a Law; this was *carried in the Affirmative.*

Proposed, That the Bill, expressing that Hemp and Flax should go for current Pay, *&c.* might pass into a Law; this was *answered in the Negative.*

Proposed, That the Bill for sowing of two Acres of Barley, *&c.* might pass into a Law, this was *answered in the Negative.*

The House adjourn'd till the seventh Hour in the Morning.

About the Time pre-appointed the House sat. The Speaker having assumed the Chair, ordered the Names of the Members to be called over, which was done accordingly.

Samuel Borden, an elected Member of the House, was, for his Absence and Contempt of the House, with several other gross Misdemeanors, laid to his Charge (by general Vote) cast out of the House.

Proposed, to a Vote, as a Rule in the House, That whatever Member shall not attend the House, but shall wilfully absent himself therefrom, without lawful and satisfactory Reason given, shall be expelled the House; this was *carried in the Affirmative.*

Proposed to Vote, Whether the Bill, expressing the Growth and Produce of this Country to pass for current Pay, shall

be made a Law or not? This was generally *answered in the Negative.*

Proposed, Whether the Bill relating to the keeping of a general Registry-Office, might pass into a Law; this was *answered in the Negative.*

Proposed, Whether the Bill relating to Bargains made in Drukenness, shall pass into a Law or not? It was generally *answered in the Negative.*

Proposed, Whether the Bill against Felony and Theft, shall pass into a Law, or not This was *carried in the Affimative.* N. C. D.

Proposed, Whether the Bill against Burglary, and Forcible Entry of Thieves and Robbers, by breaking of Houses, *&c.* should pass into a Law, or not? This was *carried in the Affirmative*, N.C.D.

Proposed, Whether the Bill relating to a Decency of Proceedings in Marriage, shall pass into a Law, or not? This was *carried in the Affirmative.*

Proposed, Whether the Bill relating to Proceedings in Suits of law against Debtors, shall pass into a Law, or not? This was *carried in the Affirmative.*

Proposed, Whether the Bill requiring the Constitution of Appraisors of Goods, shall pass into a Law, or not? This was *carried in the Affirmative*, N.C.D.

Proposed, Whether the Bill relating to the Rates of Provision, Lodging, *&c.* taken by Keepers of Ordinaries, shall pass into a Law, or not? This was *carried in the Affirmative*, N.C.D.

Proposed, Whether the Bill relating to the not selling or exporting of Skins out of this Province, *&c.* shall pass into a Law, or not? This was *carried in the Negative.*

Proposed, Whether the Bill relating to the Preservation of the Life and Person of the Governor, from treasonable Designs, *&c.* shall pass into a Law, or not, in Manner and Form as in the said Bills is expressed? The Determination of this was *suspended till the Afternoon*, by Consent of the whole House.

Proposed, Whether the Bill relating to the Disposal of Estates of deceased Persons, *&c.* shall pass into a Law, or not? This was generally *answered in the Negative.*

Proposed, Whether the Bill relating to the Disposal of the Estates of Intestates, *&c.* shall pass into a Law, or not? This being put to the Vote, *passed in the Negative.*

Proposed, Whether the Bill relating to Hue-and Cries, *&c.*

shall pass into a Law, or not? This was *carried in the Affirmative.*

The House now adjourn'd till the second Hour in the Afternoon.

The Assembly met again near the Time pre-appointed. The Speaker having assum'd the Chair, ordered the Clerk to call over the Members Names, which was done accordingly.

The Speaker of the House *proposes* to the House, Whether they are willing that some Course be taken for the Preservation of the Life and Person of the Governor; this was generally and readily *assented to,* N.C.D. After some Debate, it was *proposed,* Whether the Bill relating to the Preservation of the Life and Person of the Governor, from treasonable Designs, *&c.* shall pass into a Law, or not, in Manner and Form as in the said Bill is expressed? This was *answered in the Negative.*

Proposed, Whether the said Bill should pass into a Law, with Allowance of Amendments; this was *carried in the Affirmative.*

The House moves the Speaker, that the whole House might be resolved into a Grand Committee, which was *assented to,* and done accordingly.

They elect *Joseph Growden,* one of the Members of the House, to be their Chairman; he takes the Chair, and the Members begin to debate upon the present Matter, which is the Preservation of the Life and Person of the Governor, *&c.* according to the Contents of the aforesaid Bill.

Proposed by the Chairman, with Consent of the Committee, Whether the Word (imagine) shall be razed out of the aforesaid Bill, or not? This was *carried in the Affirmative.*

Proposed by the Chairman, Whether the Words (or endeavour) shall be inserted in the aforesaid Bill, instead of the Words (intend and devise) or not? This was *carried in the Affirmative.*

Proposed, Whether the Bill, with the aforesaid Amendments, shall in the first fifteen lines thereof, stand firm, or not? This was *carried in the Affirmative.*

Proposed by the Consent of the Committee, Whether the Words (Writing and Printing) shall remain in the said Bill, or not? This was *carried in the Affirmative.*

Proposed by the Consent of the Committee, That the Words (two or more positive credible Wintesses to one and the same Act) might be inserted into the aforesaid Bill; this was *carried in the Affirmative.*

Proposed, That the Words (or otherwise) might be razed out of said Bill; this was *carried in the Affirmative.*

Proposed, Whether the Penalty expressed in the Bill providing for the Security of the Life and Person of the Governor, shall so pass as it is expressed in the said Bill; this was *carried in the Affirmative.*

The committee resolves itself again into a House, the Chairman leaving the Chair, the Speaker re-assumes it.

The Chairman recommends to the Consideration of the House the Manner of the Proceedings of the Committee, as touching a Bill provided for the Security of the Person of the Governor.

The Speaker *proposes* to the Vote of the House, Whether they are willing that the Amendments, Razures, Additions, and Exchanges of Words, as also that the Penalty expressed in the aforesaid Bill, being all allowed by the Committee, shall stand firm or not, and so be passed into a Law; this was *carried in the Affirmative.*

The House adjourn'd till the seventh Hour the next Morning.

The House sat near the Time pre-appointed. The Speaker assumed the Chair, and ordered the Names of the Members to be called over, which was done accordingly.

Proposed to Vote, Whether the House be willing that the Government be supported by the Provincial Inhabitants, *&c.* or not? This was *carried in the Affirmative*, N. C. D.

Proposed, Whether the Word *(Exise)* shall be inserted into the Bill of *Exise*, *&c.* instead of the Word (Imposition) this was *carried in the Affirmative*, N.C.D.

Proposed to the Vote of the House, by Consent of the whole House, Whether the House were capable to judge of the Fitness or Unfitness of Members to serve in Assembly? This was *carried in the Affirmative.*

Proposed a second Time, Whether the Word *(Exise)* shall be inserted into the Bill of Subsidy, *&c.* instead of the Word *(imposition)* this was *carried in the Affirmative.*

After some Debate, it was *proposed* unto the Vote of the House, That all Manner of Strong Liquors (except such as by a former law are excepted) whether sold by Whole-sale or Retail, or exchanged, bartered, or trucked for any Thing, or Things whatsoever; shall have a Duty of Excise Laid upon them immediately after their Landing in the Province, for the Use, and proper Due of the Governor. This was *carried in the Affirmative.*——*Proposed* to Vote, Whether these Words, *viz. (that shall be Sold in this Province and Territories, not*

being of the natural Growth of the same, nor any Part or Parts thereof, but is, or are imported from other Parts) shall be added to the Bill of Excise, or not? This was *carried in the Affirmative.*

Proposed to Vote, Whether the Rate of Strong Spirits, *&c.* shall remain in the same Manner and Form as is expressed in the Bill of Excise, or not? This was *carried in the affirmative.*

The former Vote was *proposed* a second Time, and *carried in the Affimative.*

Proposed to the Vote, Whether the Rate upon all Sorts of Wines, shall remain in the same Manner and Form as in the aforesaid Bill is expressed? This was *carried in the Affirmative,* N.C.D.

Proposed to the Vote, Whether the Rates upon Cyder, Strong Beer and Mum, shall remain in the same Manner and Form as in the aforesaid Bill; is expressed, this was *carried in the Affirmative,* N.C.D.

Proposed to Vote, That these Words *(imported, brought into any Port or Place, Creek, unshipped or landed)* shall be raz'd out of the aforesaid Bill; this was *carried in the Affirmative.*

The fifth Paragraph of the Bill of Excise, *viz.* "And be it further enacted by the Authority aforesaid, that all Manner of Persons that shall have (during the Time aforesaid any Sort or Sorts of the Liquors before mentioned to be disposed of, shall immediately before the selling of any Part of Parcel of them, give an Account of the Quality and Quantity of every one of them, unto him, or them, whom the Governor shall appoint or commissionate for the same, paying, or giving Security to pay the Duty before mentioned, to all Intents and Purposes thereby intended; and in case of Failure herein, and presuming to sell, dispose, barter, truck, or exchange any Part or Parcel of them, every such Person or Persons, so presuming as aforesaid, shall forfeit for every such Offence or Offences, the double Value of the said Liquor or Liquors, so disposed of; and in case that those do come within Forty-four Hours, to give a true and faithful Account of what they are to sell, and to dispose of, giving good and sufficient Security to the Governor, or such of his Officers as are appointed for the same, they shall have Liberty to pay the aforesaid Exise, at three several and equal Payments; the first Payment thereof, to be made within three Months after the Date of the said Obligation, for Security of Payment; the second Payment to be made within six Months after the Date of the said Obligation; the third and last Payment to be made within nine Months after the Date of the said Obliga-

tion, provided it be not less than *Three Pounds* each Payment, the taking of which Bonds, and the Approbation of the Sureties therein to be named, he is thereby left to the Discretion of such Officer or Officers, for the Time being, as shall be intrusted, for the Governor's proper Use and Behoof, with the Receipt and Management thereof, by Authority from the Governor, and appointed to collect the Duties arising by this Act."————————That this Paragraph should stand as it is here expressed, was *carried in the Affirmative*, by general Vote of the House.

Proposed to Vote, Whether the Word *(proprietary)* shall be raz'd out of the aforesaid Bill of Exise, *&c.* this was *carried in the Affirmative.*

Proposed to Vote, Whether the breaking open of Doors, Chests, *&c.* in order to levy the Duty of Excise for the Governor, shall remain as in the Bill thereof is expressed, or not? This was generally *answered in the Negative.*

Proposed, Whether the aforesaid Levy for the Governor, shall be recovered in Manner and Form of an Action of Debt, according to due Course of Law, in case it be deny'd to be paid? This was *carried in Affirmative*, N.C.D.

Proposed, That all Sellers of the aforesaid Liquors, *&c.* shall be attested, that they will never presume to defraud the Governor, of the Excise due to him by Virtue of the aforesaid Act; this was *carried in the Affirmative*, N.C.D.

The seventh Paragraph was voted to be as followeth, begining at the seventh Line, *viz.* That all Manner of Persons in this "Province, and Territories thereunto annexed, keeping or having Ordinaries, or Drinking-houses, and all others, that do, or shall sell all any of the Liquors herein mentioned, shall be obliged solemnly to declare, and to be attested before two Justices of the Peace, to be faithful and just to the Governor, in paying or accounting for all and every Part, Quantity or Quanites of the said Liquors, according to the true Intent and Meaning of this Act; and that in case any one shall refuse to be thus attested when legally required, he, or they, shall immediately forfeit his or their License or Licences; and others who have not Licences, and do sell, or have to sell any Liquors excisable by the aforesaid Act, each Person so refusing to be attested, shall forfeit *Twenty-Pounds;* and all these Forfeitures are to be recovered to all Intents and Purposes, according to Law, as in an Action of Debt."

The House adjourn'd till the second Hour in the Afternoon.

About the Time pre-appointed the House sat. The Speaker

assumed the Chair; then proceed to read over the Residue of the Bill of Excise.

Proposed first, then generally voted, That the eighth Paragraph of the Bill of Excise should be razed out.

Proposed first, then generally voted, That the ninth Paragraph of the aforesaid Bill, should be erazed also.

Proposed, That there might be an Alteration made in the tenth Paragraph; this was *carried in the Affirmative.*

The Alteration was made as followeth, *viz.* And to the End, that the Governor may not be defrauded of the Duties granted him by this Bill, be it further enacted, That if any Inkeeper, Victualler, Ordinary-keeper, Seller or Retailer, shall sell, remove, or otherwise dispose of any such Liquors, before Security given, or Money paid, as in this Act is directed in case of selling and retailing, all such Liquors so sold, removed or disposed, or the Value thereof, shall be forfeited and lost, together with the Value of the Duty which ought to have been paid to the Governor for the same, one Half to the Governor, and the other Half to him or them, that shall sue for the same in any of the Courts of this Province and Territories, to be recovered by Action of Debt, Bill, Plaint of Debt, or Information, as in like Cases is provided.————This last Paragraph, as it is here laid down, was voted for, and *carried in the Affirmative.*

Proposed, That the Paragraph expressing an Imposition to be made upon Spirits, *&c.* extracted out of this Country Produce, might be razed out; this was *carried in the Affirmative*, N.C.D.

Proposed, That the ninety-eighth and ninety-ninth Laws, enacted by a former Assembly, might be repealed; *carried in the Affirmative.*

Proposed, That the four last Paragraphs next before that relating to Hue and Cries, be razed out, this was *carried in the Affirmative.*

The House adjourn'd till the seventh Hour in the Morning.

About the Time pre-appointed the House sat. The Speaker assuming the Chair, orders the Names of the Members to be called over, which was done accordingly.

After some Debates, the Members of the Committee were by Order of the Speaker called over, and by Consent of the House withdraw, in order to converse with the Committee of Council.

After a certain Time they return into the House, and make report of their Proceedings with the Committee of Council.

After Debate, *proposed* to the Vote, Whether the Words

(William Penn) should be inserted into the Bill of Excise? This was *carried in the Affirmative.* N.C.D.

The House adjourn'd till the next Morning.

The House sat at the Time appointed. The Speaker assumed the Chair, and ordered the Names of the Members to be called over; then informs the House, That the Governor and Council, have appointed immediately to converse with the House, and reads the Bill relating thereto.

Proposed to Vote, That the Bill substituted for the Aid of the Government, might retain the Title of *Bill of Aid, and Assistance of the Government*, as it is in the said Bill expressed; this was *carried in the Affirmative.*

The House adjourn'd for two Hours.

The House sat again near the Time appointed.

The Speaker orders the Members Names to be called over, which was done accordingly.

The House draws up a Petition to the Governor, That the Law of Enrolment might be *repealed*, or the Execution thereof *Suspended* for a longer Time than is therein expressed.

The fifteenth Chapter of Laws, expressing, That *Rum shall not be sold to the Indians*, being put to the Vote, was *voted to be repealed.*

The Law for registering Bills, Bonds, *&c.* was generally voted *to be repealed.*

The House adjourn'd till the next Morning.

The next Morning the House sat. The Speaker assumed the Chair, and ordered the Names of the Members to be called over, which was done accordingly.

The Law, *That no Cow-calf, &c. be killed for three Years*, was voted *to be repealed.*

In the Law of *Allegiance to the King &c.* the House except against the Loss of Estate, for Disobedience to the Laws.

The House move for a Conference with the Council, and to that End a Committee was elected, *viz. Nicholas More*, Speaker, *John Songhurst, John Hart, John White, John Glover, Francis Fincher, James Williams, John Roads, Abraham Man, Robert Wade, John Blunston, and John Otter.*

The House adjourn'd till the second Hour in the Afternoon.

Near the Time pre-appointed the House sat. The Members of the Committee withdraw, in order to consult with the Council, as touching the last above-mentioned Amendment in the Law of *Allegiance;* and the *repealing* of the Law of *Regis-*

try of Bills, &c. And after their Return, the House adjourn'd till the nineteenth Day, at the seventh Hour in the Morning.

About the Time pre-appointed the House sat. The Speaker having assumed the Chair, orders the Names of the Members to be called over, which was done accordingly.

After some Debate, *proposed* to the Vote of the House, That the Governor and Council might be addressed unto, That a Law might be made at the next Assembly, in order that the Freemen of each County might confer with their chosen Members of Assembly, touching in such Matters as they find themselves aggrieved withal, or that they desire to be done at each Assembly.

At an ASSEMBLY, *held at* PHILADELPHIA, *the Eleventh Day of the* THIRD MONTH, 1685.

The Proceedings were as followeth, *viz.*

Sheriffs Returns for Assembly Men.

Philadelphia.	Chester.	Sussex.
Nicholas More,	*John Blunston,*	*Henry Smith,*
Joseph Growden,	*George Maris,*	*William Carter,*
Barnaby Wilcox,	*John Harding,*	*Robert Clifton,*
Lawrence Cock,	*Thomas Usher,*	*John Hill,*
Gunner Rambo,	*Francis Stanfield,*	*Samuel Gray,*
Thomas Paschall.	*Joshua Ferne.*	*Richard Law.*

Bucks.	Newcastle.	Kent.
William Beakes,	*John White,* Speaker	*John Bridges,*
Gilbert Wheeler,	*Gasparus Herman,*	*John Curtis,*
Henry Baker,	*Hendrick Williams,*	*Daniel Jones,*
William Dark,	*Abraham Man,*	*Peter Groningdyke,*
James Dilworth,	*Edward Owen,* jun.	*William Berry,*
Henry Paxon,	*John Darby.*	*John Brinkloe.*

The Names of the Members were by Order of the House called over.————*John White,* by major Votes of the House, was elected Speaker of the House, and *John Southworth,* admitted Clerk of the House: *John Bridges,* of *Kent* County, and *Abraham Man,* of *Newcastle,* were elected, in order to present the Speaker to the President, and the Provincial Council, which was done accordingly.

The Speaker adjourn'd the House for two Hours.

Near the Time pre-appointed the House assembled again,

and the Members Names, by Order of the Speaker, were called over.

The appointed Members report, That the Speaker elected, was well accepted by the President and Council.

The House resolved itself into a grand Committee of the whole House, and that by major Votes of the House.

Nicholas More, being elected Chairman of the Committee, assumes the Chair, the Speaker resigning it.

Debated by the Committee, Whether the *Charter of Liberties* might be viewed by the Assembly, separate from the Governor and Council, or conjunct with them as a General Assembly? The Question being put, it was generally *carried in the Affirmative*, That the House should, and might desire a View of the Provincial *Charter of Liberties*, separate from the Council, in order to inform them touching their Proceedings, *&c.*

Joseph Growden, *John Blunston*, *Abraham Man*, *Lasse Cock*, and *Barnaby Wilcox*, repair to the Council, in order to desire a View of the said *Charter of Liberties*, they being elected thereunto by Vote of the House.

The Members abovesaid returning from the Council, make Report of the Council's Answer, *viz. That they were unwilling to part with the Charter out of their Hands, until the House had given them a Meeting, in order to treat together, touching a Publication of James the Second, now Successor of the late deceased King.*

The Question being put, Whether the whole House should meet the Council, to consult touching the Matter last abovementioned, *viz.* the Publication of the Successor of the late deceased King; it was *carried in the Affirmative.*

After Adjournment of the House till the eighth Hour the next Morning, the House repair to the Council House.

The next Day the House sat, near the Time pre-appointed. After some Debate, it was generally concluded, That the Speaker should move the Council for a true attested Copy of the Charter, for the Assembly to peruse for their better Information in Proceedings.

The House adjourn'd till the eleventh Hour.

The House met again, according to Appointment, and a Quorum of the House being present, the Speaker makes Report of the Answer received by him from the Council, as touching the House, their Request of a View of the Charter of the Province, or of a true Copy thereof, *viz. That the Charter shall be perused by the House, in case it be demanded according to the Rules of the Charter.*

The Speaker adjourn'd the House for two Hours.

The House sat, and Members were called over.

The Speaker reports to the House, what Answer was made by the Council, as touching the Request of the House, to have a View of the Charter, or a true Copy thereof, and in order thereto produces a Copy of the Charter, according to the Desire of the Assembly which the Clerk, by the Speaker's Order read audibly in the House.

Nicholas More, and *Joseph Growden*, for *Philadelphia; John Blunston*, and *George Maris*, for *Chester; Abraham Man*, and *John Darby*, for *Newcastle; William Berry*, and *John Brinkloe*, for *Kent; John Hill*, and *Samuel Gray*, for *Sussex; William Beakes*, and *Henry Baker*, for *Bucks;* were by general Consent of the House, elected to confer with the Council, touching the Legality, or Illegality, of the Title of the promulgated Bills; as also touching the Legality or Illegality of the Promulgation of the said Bills, according to Charter; and, in order thereto, they repair to the Council-House.

It was *carried in the Affirmative*, by major Votes, upon the Speaker's Proposal of the Question, That the Council should be desired to make Amendment of the Title of the promulgated Bills, according to Charter; and in order thereunto, the Speaker, *Abraham Man*, *John Hill*, and *Henry Baker*, were elected by the House, to move the Council for that Amendment.

The House adjourn'd till the eighth Hour in the Morning.

The House being sat, according to Appointment, the Speaker reports, That the elected Members aforesaid, had treated with a Committee of the Provincial Council, in order to have the Stile of the Bills altered; and that said Committee of the Council promised to make Report unto the rest of the Members of the Council, of the Desire of the House, as touching that Alteration, and did not question their own Compliance in that Matter.

The Clerk of the Provincial Council reports to the Assembly, from the President and Council, That the Title of the Bills shall be (according as they desire) altered, which was accordingly done, and accepted by the House.

The Question being put, Whether the whole House were willing to have a Conference with the Provincial Council, concerning some Doubts touching the Laws of the Province, *&c.* it was *carried in the Affirmative.* And in order thereunto, *Francis Stanfield*, and *William Berry*, by Consent of the House, repair to the Council House, to move for the said Conference.

The two abovesaid Members return Answer, That the Coun-

cil was ready to receive the House, in the Way of Conference. Upon this Answer, the whole House repair to the Council House.

At the Return of the House, the Speaker adjourn'd it for one Hour and a Half.

The Assembly sat at the Time appointed.

John Bridges, one of the Members of Assembly, having spoken some contemptible Words against the Assembly, being at that Time in the Assembly; and the Assembly, upon his Submission, shewing themselves willing to remit his Offence, the said Member expressing in the House, That he would die before he would submit; was therefore, by major Votes of the House, cast out of the House, during that Sessions of Assembly.

The Bill relating to the Continuance of former Laws till the End of the first Sessions of the next General Assembly, was read the first Time; the Question being put, Whether the said Bill should pass into a Law, or not? The Votes being equal, and the Speaker having the casting Vote, by his Vote it *passed in the Negative*, because not promulgated according to Charter.

Agreed, by major Votes, that, according to Charter, the former Bill might pass into a law, if the proposed Amendments were admitted by the Council and Assembly.

Joseph Growden, *Abraham Man*, and *Thomas Usher*, were elected by the House to move the Council for the Amendment of the aforesaid Bill, who report at their Return, That the Council are unwilling to admit of any Amendment; and that the whole Council had voted for the Passing of the said Bill, in Manner and Form, as to the House presented.

John Blunston, *William Beakes*, and *John Darby*, were elected by the House, to acquaint the Council, That the House waited to know if there were any further Business for them to do. The abovesaid Members report at their Return, That the Council desire a Conference with the House, for their better understanding of one another; thereupon several of the Members repair to the Council, in order to have a Conference with them.

The Members report at their Return, That the Council desire a further Conference with the whole House, concerning the Bill of the Continuance of former Laws, *&c.*

The said Bill having been read a second Time, and the Question put by the Speaker, it was *carried in the Affirmative*, That the Bill should pass into a Law, if the Words at the

latter End of the Bill, *viz. (except Such Laws, &c.)* were razed out of the said Bill.

The House adjourn'd till the eighth Hour in the Morning, ————Repair first to the Council, to desire their Consent to the Razure abovementioned.

The House sat at the Time pre-appointed. The Members were called over.

John Bridges, the Member cast out for his contemptible Words to the House, submitting himself, was re-admitted into the House.

The Question was put by the Speaker, Whether the Bill, Number 2. relating to the Continuance of former Laws, *&c.* should pass as at first presented to the House, *viz.* without Admittance of the Razure abovesaid, or not? This was *carried in the Affirmative*, by the Votes of six Parts of seven of the Provincial Council and Assembly.

The Bill obliging Justices of the Peace to attend at their respective County Courts, upon Pain of a Fine, was read the first Time, and *carried in the Affirmative*, conditionally, that these Words, *viz. (Five Pounds)* be admitted to be altered to *(Five Shillings.)*

The Bill excluding Attorneys from Pleading for Reward, was read the first Time, and put to Vote, which *passed in the Negative.*

The Bill obliging Jurors to attend the respective County Courts, upon Pain of a Fine, was read the first Time; the Question being put, it was *carried in the Affirmative.*

These Members under-written, desiring to enter their Protest against all Proceedings relating to the promulgated Bills, as not being published according to the Tenor of the Charter, have hereunto set their Hands, JOHN HILL, HENRY SMITH, SAMUEL GRAY.

Whereas the whole Assembly have been dissatisfied because the promulgated Bills have not been published throughout the whole Province, and Territories, according to the Tenor of the Charter, they having a due and high Regard, inviolaby to keep and preserve all the Articles of the Charter, have proceeded to enter upon the said promulgated Bills, to pass them into Laws by the Approbation and Consent of six Parts of seven of the Assembly.

The Speaker putting to the Question, Whether the Bill, Number 3. touching Justices being fined for Neglect, *&c.* should be altered from *Five Pounds* to *Thirty Shillings;* it was *carried* in the Affirmative, by six Parts of seven of the Assembly.

The Bill relating to Jurors being fined for their Neglect, *&c.*

was read a second Time, and by Vote *carried in the Affirmative*, with this Proviso that the Fine of *Twenty Shillings* be altered to *Ten Shillings*: this Vote was carried by six Parts of seven of the Assembly.

I do protest against the Fines expressed in the Bill relating to Justices, N. MORE.

The Bill, Number 6. relating to the Removal of bounding Trees, or Landmarks, was read the first Time, and, by Vote, *carried in the Affirmative*, with this Proviso, That after the Word *(Landmark)* these Words *viz. (to the Wrong of his Neighbor, or any other Person)* might be inserted in the Bill.

The Bill, Number 7. relating to Brand-marks upon Cattle, *&c.* was read, and by Vote *carried in the Affirmative.*

The Bill, Number 8. relating to Runaway Servants, was read the first Time, and, by major Votes, *carried in the Affirmative.*

The House adjourn'd till the second Hour in the Afternoon.

Near the Time pre-appointed the House sat. The Speaker having assumed the Chair, orders the Members to be called over.

Gilbert Wheeler, *Edward Owen*, and *Hendrick Williams*, Members of Assembly elected, were for their Absence during this whole Sessions of Assembly, voted to be fined, according to Law, for their Neglect of the Country's Service therein; as also that the Speaker of the House may sign a Warrant for the Levying of the said Fines.

The Bill, Number 9. concerning Debts contracted to be paid in fresh Pork, Tobacco, or Corn, *&c.* was read the first Time; the Question being put, it was *carried in the Affirmative*, by major Votes of the House.

I am protesting against this Bill, N. MORE.

The Bill, Number 10. relating to the Enrolment of Deeds, Grants and Conveyances of Land in this Province, *&c.* was read the first Time; the Question being put, it *passed in the Negative*, by Consent of the whole House, That it should not pass into a Law.

The Bill, Number 11. touching the Disposal of Lands of intestate Persons, *&c.* was read the first Time, and the Question being put, it *passed in the Negative.*

The whole House, upon Occasion of Delay to their Proceedings given by the Council, pass it by Vote, N.C.D. that it is their undoubted Privilege to proceed upon reading, debating, and concluding upon the promulgated Bills by Vote, in order to pass them into Laws, without any the least Restriction by the Council to hinder them from so doing. And upon Con-

ference with the Council, the Council assented that it was the undoubted Privilege of the House to chuse, Whether they would confer with them or not? As also, that they might proceed upon Bills as above-said, without any the least Restriction from them.

The Bill, Number 12. relating to the Trial of Causes, by the Justices in each respective County, without the Charge of Provincial Judges, *&c.* was read the first Time.

A Debate arising upon the Bill, Number 12. the Question was put, Whether the said Bill should pass into a Law, or not, with such Alterations and Amendments, as the Assembly should agree to? Which was *carried in the Affirmative.* Voted, that these Words (only excepted) were to be razed out of the abovesaid Bill, Number 12. as also, that these Words, *viz. (which being allowed of, by the Majority of Votes upon the Bench)* should be razed out of the said Bill.

I do protest against the Bill relating to Alteration of Courts, &c. N. MORE.

The Bill, Number 13. relating to the Sale of tann'd Leather, was read the first Time, and these Words, *viz.* (or other) were voted to be razed out; and these Words, *viz. (and no Shoemaker shall presume to work such Leather into Shoes)* were voted to be added to the said Bill (N.C.D.) as also these Words, *viz. (to enter and make Search in all Suspecded Places)* were voted to be razed out. N.C.D.

The Bill, Number 12. was voted to be amended (N.C.D.) according as it was superscribed by the Provincial Council, and then returned.

The Bill, Number 14. relating to the Viewing of Partition-Fences, *&c.* was read the first Time, and *carried in the Affirmative*, the following Amendment being first admitted, *viz.* that the Word *(Neighbours)* may be inserted into the said Bill, instead of the Word *(Men)* and the Word *(Partition)* inserted into, and the Word, *(double)* razed out of the said Bill.

The Bill, Number 15. relating to the Commencement of the Laws, as to the Time of their beginning to be, and of their Continuance in Force, was read the first Time, and, upon putting the Question, was *carried in the Affirmative.*

The House adjourn'd to the eighth Hour in the Morning.

Near the Time pre-appointed the House sat. The Speaker having assumed the Chair, ordered the Members Names to be called over, and the Minutes to be read, which was accordingly done.

The Bill for an Enrolment of Deeds, Conveyances of Land,

&c. was debated a second Time, and, by a second Vote, it *passed in the Negative.*

The House adjourn'd for Half an Hour.

The Members return into the House from the Council House, and the Speaker reports, That the Council declared themselves well satisfied with the Proceedings of the House upon the proposed Bills; and that the said Bills should be returned into the House, corrected, and fairly written.

The House adjourn'd till the second Hour in the Afternoon.

The House assembled at the Time pre-appointed, or near it; the Members were called over.

A Complaint was exhibited by a Member of the House, against *Nicholas More*, another Member of the House, for several high Crimes and Misdemeanours committed by him; it being put to the Vote, it was *carried in the Affirmative*, that the said Bill of Complaint should be read, and that the said *Nicholas More*, should withdraw out of the House in the mean Time.

The first Article of the said Complaint was read, for which he was voted *to be impeached.*

The second Article was read, *&c.* for which he was voted *to be impeached.*

The third Article was read, for which he was voted to be *impeached.*

The fourth Article was read, for which it was voted, *that he should be impeached.*

The fifth Article was read, for which it was voted, *that he should be impeached.*

The sixth Article was read, for which it was voted, *that he should be impeached.*

The seventh Article was read, for which it was voted, *that he should be impeached.*

The eighth Article was read, for which it was voted, *that he should be impeached.*

The ninth Article was read, for which it was voted, *that he should be impeached.*

The tenth Article was read, for which it was voted, *that he should be impeached.*

The Articles having been read, it was voted by the House, That the Speaker, *Abraham Man*, *John Blunston*, *Thomas Usher*, *William Berry* and *Samuel Gray*, should prosecute the said *Nicholas More*, before the Council, in the Way of Impeachment; and that in order thereunto, the whole House should repair to, and request the President and Council, to remove the said *Nicolas More* out of his great Offices of Trust

in the State of this Province, and Territories thereof; which is thought fit by the House to be the first Thing to be insisted on in this Proceeding.

The House adjourned, during the Time of their Conference with the Council.

The Members return'd, and the Speaker adjourn'd the House till the sixth Hour in the Morning.

The House being assembled, and the Clerk neglecting his Attendance upon the House in due Season, was by the House judg'd worthy to be excluded from the Service of the House, but, upon his Submission, was re-admitted.

Abraham Man, a Member of the House, moving, that he had been injuriously reflected on by *Nicholas More*, another Member of House at that Time, by calling him a Person of a seditious Person; the House taking it into Consideration, voted? N.C.D. That the said Nicholas More, by naming the abovesaid Member, and calling him a Person of a Seditious Spirit, had broke the Order and Privilege of the House.

The Question being put, Whether the abovesaid Member, *Nicholas More*, should be sent for, in order to hear, and answer the abovesaid Charge laid against him, *&c.* it was voted, (N.C.D.) *in the Affirmative;* as also, that if he do not submit himself as conscious of the said Charge, that then he should be ejected, as an unprofitable Member of the House.

Nicholas More, Judge of the Provincial circular Courts, having been impeached, after Proposal by the Speaker, it was put to the Vote, Whether the Originals of the Proceedings of the last Provincial circular Courts should be brought into the House, or not? This was *carried in the Affirmative*, N.C.D.

Thereupon the Members of the House requiring *Patrick Robinson*, the Clerk of the Provincial circular Courts (then present by Admission) to produce unto the House the Records of the said Courts, and he actually (tho' not verbally) denying the same, the Question being put, it was *carried in the Affirmative*, N.C.D. that the said Clerk should therefore be committed into the Sheriff's Custody, during the Pleasure of the House.

Business in the House requiring it, *John Blunston*, and *Thomas Usher* two Members of the House were, by Consent of the House, sent to desire the President of the Council, and Council, that they would be pleased to sit, in order to the orderly Proceeding upon the said Business.

The Sheriff being sent for, and appearing in the House, was by order of the Speaker, and consent of the whole House,

commanded to secure the Person of *Patrick Robinson*, till he had Order from the House for his Releasement; and in Pursuance thereof, the Speaker signed a Warrant in Behalf, and by Consent of the whole House, which was delivered into the Hands of the Sheriff, for securing and having in Custody the Body of the said *Patrick Robinson*, till Order from the House for his Releasement.

The Question was put, Whether it was the undoubted Privilege of this Assembly, to send for all such Persons into Custody as shall refuse to obey the just and lawful Orders of the Assembly; this was *carried in the Affirmative.*

Resolved by the House, N.C.D. That the Warrant signed by the Speaker against *Patrick Robinson*, shall be served upon him the said *Patrick* by the Sheriff, and that the House will stand by the Sheriff in so doing.

Nicholas More, who was voted to absent the House, during their taking into Consideration the several Articles of the Charge exhibited against him, was by Order of the House sent for into the House, but appeared not.

The Question being put, Whether all the Articles of Charge against *Nicholas More*, should be exhibited to the President and Council, or not? It was *carried in the Affirmative*, by way of the Balloting-Box.

The House adjourn'd to the second Hour in the Afternoon.

The House assembled at the Time pre-appointed.

The Speaker having assumed the Chair, ordered the Names of the Members to be called over, which was accordingly done.

John Briggs. and *Thomas Usher*, Members of the House, were by Vote and Consent of the whole House, sent to require *Nicholas More* to make his Appearance in the House of Assembly: The said Members requiring his Appearance; he asked, *in what Capacity?* The Members answer, that *he might know when he came there;* then *Nicholas More* said, that *he would be voted into the House, (as he was voted out of the House) before he would appear in the House.*

Patrick Robinson, for his Contempt of the Authority of the Assembly, and for his Disobedience to their Orders, was voted a publick Enemy to the Province of *Pennsylvania*, and Territories thereof, and a Violator of the Privileges of the Freemen in Assembly met.

Patrick Robinson, having abused the Assembly, being met in Conference with Provincial Council, be being then present before the Provincial Council, and Assembly, *&c.* by saying, That the said Assembly had drawn up an Impeachment against

Nicholas More, Hob Nob at a Venture, the Freemen of *Pennsylvania*, and Territories, in Assembly met, do declare, in the Name of themselves, and those whom they represent, that they cannot with the Discharge of their Duties, and with the Credit of this Province, and Territories, proceed in any publick Business, until they have received Satisfaction for that high Breach of Privilege committed by the said *Patrick Robinson*.

The Assembly desiring the Speaker, and two other Members, to attend the President and Provincial Council, to inform them what they had done in Relation to the preceding Vote, *Patrick Robinson* meeting them in the Street, in a threatening Manner, said to the Speaker, *Well*, John, *have a Care what you do, I'll have at you, when you are out of the Chair*. The said Members meeting with the President, and several other Members of Provincial Council, they did acquaint them with the aforesaid Vote of the Assembly, and the President did promise, that they should have Satisfaction.

The House adjourn'd till the eighth Hour in the Morning the Second-day following.

The House assembled near the Time pre-appointed, *&a*.

The Speaker assumed the Chair, the Members Names were called over.

John Briggs, a Member of this House, reports, That being at the Governor's House, *Nicholas More* asked, *What the Assembly was doing?* Who made answer, That *they were proceeding upon his impeachment:* The said Nicholas More, replied, *either I myself, or some of you will be hanged;* and therefore advised the said *John Briggs* to enter his *Protest* against the Impeachment.

The House having had a considerable Time of Conference with the Council, some Time after their Return, adjurn'd for the Space of two Hours.

The Assembly met near the Time appointed; and calling to Remembrance the Answers of Patrick Robinson in the Assembly, upon their Demand of the Records of the last Provincial circular Courts, held in this Province of *Pennsylvania*, and Territories, the House remarked, That upon their first desiring of the said Records to be produced, the said *Patrick Robinson* answered, That *there was no Records;* and after some Excuses, he said, That *his minutes of the Proceedings of the said Courts, were written, some in Latin, where one Word stood for a Sentence; and in unintelligible Characters, which no Person could read but himself, no, not an Angel from Heaven*, or Words to that Purpose; whereupon the Assembly desiring him to produce the said Minutes, told him, that he

himself should be allowed to read them in the Assembly, and that the Assembly would put the most favourable Construction upon them they could, and that they did not in the least seek any Occasion against him; whereupon he making several Evasions, and withdrawing himself towards the Door of the Assembly-House, told them, that *he would consider of it;* but the Members of Assembly telling him, that his Delaying would be taken as a Denial; he answered, *they might take it so, if they would.*

The Prisoner, *Patrick Robinson*, being, by order of the House, brought by the Sheriff into the House, and demanded to produce the Court Records, or Minutes, he lying all along upon the Ground, refused to make Answer to the Point; but told the Assembly, that they acted arbitrarily, and that they had no Authority.

The Prisoner, *Patrick Robinson*, having been by the Assembly voted a publick Enemy to the Province and Territories, and a Violator of the Privileges of the Freemen in Assembly met; it was now generally voted, (N. C. D.) That the President and Provincial Council, should be moved, and desired that the said Prisoner might be made uncapable of exercising any publick Office in this Province, or Territories thereof.

Nicholas More, for his Contempt of the Authority of the House, in not appearing at the Desire of the House, was therefore by Vote cast out of the House.

It was voted that the Council should be moved, that another Member might be elected in his Stead.

I protest against the Vote of casting Nicholas More out of the Assembly, JOHN HILL.

The Assembly having desir'd the President and Council to give them Satisfaction, as touching the Abuse they received at their Board, from *Patrick Robinson*, by saying that the Impeachment against More, was drawn Hob Nob at a Venture. The President and Council, do unanimously declare, That the Expression was indecent, unallowable, and to be disowned.

The Assembly remove to the President and Council.

At their Return, they adjourn till the fifth Hour in the Morning.

Near the Time appointed the House sat. The Speaker having assumed the Chair, ordered the Members Names to be called over.

Intelligence being brought by *John Brinkloe*, a Member of this House, that the Council was sat, the House remove to the

Council House, and from the Council adjourn till the third Hour in the Afternoon.

At the Time appointed the House sat.———*Resolved*, by the Assembly, that a Letter be writ to the Governor, by the Speaker, *Joseph Growdon*, *John Blunston*, *Abraham Man*, *Barnaby Wilcox*, and *Thomas Usher*, concerning the Proceedings of this Assembly.

Resolved by the Assembly, That *Abraham Man*, and *John Blunston*, shall be the Prosecutors of *Nicholas More*, upon his Impeachment.

Ordered by the Assembly, That the original Journal of this Sessions of Assembly, and of all other precedent Sessions of Assembly in this Province and Territories, be lodged in the Hands of *Joseph Growdon*, and that he deliver a true Copy thereof to *Barnaby Wilcox*.

Copy of the Letter to the Governor

Most Excellent Governor,

We the Freemen of the Province of Pennsylvania *and Territories, do with unfeigned Love to your Person and Government, with all due Respect accquaint you, That we have this last Day of our Sessions, pass'd all such Bills as we judg'd meet to pass into Laws:———And impeached Nicholas More, a Member of the Assembly, of ten Articles, containing divers high Crimes and Misdemeanours, and in the Presence of the President and Provincial Council, made very clear Proof of the said Articles.*

We have had the Person of Patrick Robinson under Restraint for divers insolencies and Affronts unto the Assembly; but there was a right and good Understanding betwixt the President, Council and Assembly, and a happy and friendly Farewell.

Dear and honour'd Sir, *The Honour of God, and Love of your Person, and Preservation of the Peace, and Welfare of the Government, were, we hope, the only Center to which all our Actions did tend. And altho' the Wisdom of the Assembly thought fit to humble that aspiring and corrupt Minister of State,* Nicholas More; *yet to you, dear Sir, and to the happy Success of your Affairs, our Hearts are open, and our Heads*

ready at all Times to Subscribe ourselves, in the Name of ourselves, and all the Freemen we do represent.

Your obedient, and faithful Freemen,

JOHN WHITE Speaker.

P. S. Honour'd Sir, *We know your Wisdom and Goodness will make a candid Construction of all our Actions, and that it shall be out of the Power of malicious Tongues to separate betwixt our Governor and his Freemen, who extremely long for your Presence, and Speedy Arrival of your Person.*

At an ASSEMBLY, *held at* PHILADELPHIA, *the Tenth Day of the* THIRD MONTH, 1686.

Representatives elected.

Philadelphia	Newcastle.	Kent
James Claypoole,	*John White,* Speaker.	*John Brinkloe.*
John Songhurst,	*John Darby.*	*John Bradshaw,*
Thomas Duckat,	*Cornelius Empson,*	*John Walker.*
John Goodson.	*James Williams,*	*William Berry.*
Griffith Owen,	*Abraham Man.*	*Robert Bedwell,*
Andrew Bankson.	*William Grant.*	*Richard Wilson.*

Chester.	Bucks.	Sussex.
Robert Wade,	*William Yardly,*	*Henry Bowman,*
John Blunston,	*Joseph Growdon,*	*Norton Claypoole.*
George Maris,	*John Oter,*	*Henry Stretcher,*
Bartholomew Coppock	*William Biles,*	*John Vines,*
Samuel Lewis,	*Joshua Hoops,*	*Albertus Jacobs,*
Caleb Pusey.	*John Rowland.*	*Samuel Gray.*

The Members of the House do now proceed to choose their Speaker: *John White.* of the County of Newcastle, by the major Votes of the House, being elected Speaker, was desired to take the Chair; which accordingly he did. The Members Names being called over, it appeared to the Assembly, That the respective Members of each County were legally chosen; and then proceeded on sundry Matters as followeth.

John Claypoole, by the major Vote of the House, was chosen their Clerk for this Session, being attested by the Speaker to his true Performance in that Capacity.

Richard Reynolds, chosen Messenger, was *attested.*

The Speaker adjourn'd the House till four a Clock in the Afternoon.

About the Time appointed the House sat. The Speaker having assumed the Chair, orders the Names of the Assembly to be called over.

Proposed to the Vote of the Assembly, Whether *John White*, Clerk of the County of *Newcastle*, and Member of this Assembly, should attend the Council, in Obedience of a Warrant from the said Council, for his Appearance this Day before them? It was *carried in the Negative*.

Proposed to the Vote, Whether the Assembly should desire the Provincial Council to give them Satisfaction concerning the Legality or Illegality of a Warrant, commanding a Member of this Assembly to give his Attendance this Day at the said Provincial Council. It was *carried in the Affirmative*.

The Assembly appointed *John Otter*, and *Norton Claypoole*, two of their Members, to go to the Provincial Council, to know when the Assembly might attend them with their Speaker.

The two aforesaid Members upon their Return from the Council, bring in their Answer, That there shall be a Committee of the Council to confer with the Assembly at the seventh Hour tomorrow morning.

The Speaker by general Vote adjourn'd the House till the seventh Hour in the Morning.

About the Time appointed the House sat. The Speaker having assumed the Chair, orders the Names of the Assembly to be called over.

Two Members, *Cornelius Empson*, and *William Biles*, not appearing till this Day, were fin'd by the Assembly *Twelve-pence* each.

The Assembly being informed, that there was only a Committee of the Council to receive them, did appoint two Members, *William Yardly*, and *William Biles*, to acquaint them, That they had a Desire to meet with the President and Council in a full Body, according to former Custom and Practice.

Joseph Growdon, being absent at the calling over the Names, was fin'd *Twelve-pence*.

The Charter, by Order of the Assembly, was audibly read by the Clerk.

John Simcock, and *William Frampton*, Members of the Provincial Council, desire to be admitted, and brought in the promulgated Bills, which were by the Assembly accepted of.

Abraham Man, a Member of Assembly for the County of *Newcastle*, did not appear till this Day.

Ordered by the Assembly, That *James Claypoole*, and *John Blunston*, Members of the House, should attend the Council to desire a Meeting, according to former Custom and Practice, at the Assembly's first Address to the Governor and Council.

The two aforesaid Members, upon their Return, bring in their Answer, That the Council kindly received their Message, and declared their Willingness of a Meeting; but in respect the Council Room was so small, that it would not contain the whole Assembly, they desired a Meeting here; upon which *John Songhurst* and *John Goodson*, was ordered by the Assembly to declare their ready Acceptance thereof; and in order thereto, did adjourn themselves.

Adjourn'd for a Quarter of an Hour.

At the Time appointed the Provincial Council and Assembly met, did confer with each other; the Speaker, in the Behalf of the Assembly, desiring that all the Privileges of the Assembly might be inviolably maintained; which were principally as followeth; Free Access to the Governor and Council; Freedom of Speech and Debate; and Liberty of their Persons.

The President, in the Name of the Council, declared that all the Privileges of the Assembly, according to Charter, should be inviolably maintained.

The Speaker, in the Name of the Assembly, desiring a Reason, Why the Impeachment of *Nicholas More*, was suspended? The President reply'd That after the promulgated Bills were duly considered of and finished which he did conceive was first the most proper Work for the Assembly, the Business of the Impeachment should succeed; and that at present, they being as a Committee rather than a Council, could not give a positive Answer; but after Consideration an Answer should be given.

The Speaker likewise, in the Name of the Assembly, desiring that the Assembly might be satisfied concerning the Legality of a Summons, requiring a Member of Assembly to give his Attendance on the Council the same Day which the Charter he was to attend the Assembly; the President reply'd That when that Matter came regularly before the Council, they being now in the Nature of a Committee, whatsoever was irregular or extra-judicial, should be discountenanced.

The Assembly adjourn'd for two Hours.

About the Time appointed the House sat. The Speaker assuming the Chair, orders the Names of the Assembly to be called over.

Proposed to the Vote of the Assembly, Whether or no it was their undoubted Right to impeach Criminals at any Time during their Sessions, It was *carried in the Affirmative*, N.C.D.

Upon reading the Title of the promulgated Bills, it appearing to the Assembly, That the said Title was not according to Charter, the Assembly desired of the President and Council an Amendment thereof, and proceed therein as the last Assembly did on the like Occasion.

James Claypoole, for the County of *Philadelphia; William Biles*, for *Bucks; John Blunston*, for *Chester; Abraham Man*, for *Newcastle; John Brinkloe*, for *Kent; Norton Claypoole*, for *Sussex;* being chosen a committee, and sent by the Assembly to a Committee of Provincial Council, concerning Amendment of the Title of promulgated Bills according to Charter.

Proposed to Vote, That the Bill, Number 2. relating to Offenders being duly convicted and fined for the Breach of any penal Law, should pass into a Law; this was *carried in the Affirmative*, N.C.D. these Words being added to both the said Bills *(this Law to continue until twenty Days after the Rising of the next general Assembly, and no longer.)*

The Speaker *proposed* to the Vote, That the Bill, Number 3. relating to Assessments, in open Court, should pass into a Law; it was *carried in the Affirmative*, N.C.D.

The Speaker, by the general Vote, adjourn'd the House till the eighth Hour in the Morning.

About the Time appointed the House sat. The Speaker assumed the Chair, orders the Names of the Assembly to be called over.

Proposed to the Vote, That the Bill, Number 5. relating to attesting of Attorneys pleading in civil Causes, should pass into a Law; this was *carried in the Negative.*

A Member of Assembly speaking reflectingly of another Member, the House being dissatisfied therewith, the offending Person promised he would take care to avoid the like.

Proposed to the Vote, That the Bill, Number 1. relating to the Continuation of former Laws, should pass into a Law, with such Amendment as the Assembly should think fit; this was *passed in the Affirmative*, N.C.D.

The Assembly moves the Speaker, That the whole House be resolved into a grand Committee, which was assented to, and done accordingly.

They elect *Joseph Growdon*, Chairman of the Committee; he assumed the Chair, the Speaker resigning it.

Debated by the Committee, Whether the Bill, Number 1. relating to the Continuation of former Laws, should pass into a Law as aforesaid?

The Committee resolves itself again into a House; the Chairman leaving the Chair, the Speaker reassumes it.

Upon the Debate in Committee aforesaid, it was agreed a Committee of the House should be appointed to treat with a Committee of Provincial Council, to let drop two of the former Laws; and in order thereunto, ***James Claypoole***, and *John Songhurst*, for *Philadelphia; William Biles*, and *Joseph Growdon*, for *Bucks; Robert Wade*, and *John Blunston*, for *Chester;* the Speaker, and *Abraham Man*, for *Newcastle; Henry Bowman* and ***Albert Jacobs***, for ***Sussex;*** were chosen by the Assembly by a Committee, to treat with a Committee of Provincial Council, to desire an Amendment of the Bill, Number 1. *viz.* That the Bill relating to Pipe-staves, and Cow-calves, be discontinued, and after the Word (except) in the said Bill, Number 1. these Words be added *(such Laws, or Part of Laws, as have been by former Laws altered or repealed)* and that the last Clause in the said Bill be altered *(to continue till Twenty Days after the Rising of the next General Assembly, and no longer)* voted N.C.D.

The Speaker by Consent of the House adjourn'd the Assembly till the seventh Hour in the Morning.

About the Time appointed the House sat. The Speaker assumed the Chair, and orders the Names of the Assembly to be called over.

Ordered, Joseph Growdon should be required of, Why he did not deliver a Copy of all former Proceedings of Assembly to *Barnaby Wilcox*, as he promised to the last Assembly?

The House adjourn'd for two Hours.

About the Time appointed the House sat. The Speaker assumed the Chair, orders the Names of Assembly to be called over, which was accordingly done.

Proposed to Vote, That the President and Provincial Council, should be moved to give the Assembly a Reason, Why the Request of the late General Assembly, concerning the Removal of *Patrick Robinson* from all Offices of Trust, was not according to Promise answered? This was *carried in the Affirmative*, N.C.D.

And in order thereunto, *Thomas Ducket, George Maris, John Goodson*, and *William Biles*, Members of Assembly, were appointed by the House to deliver the said Message to the President and Council.

Proposed to Vote, That if any of the Members of Assembly did not appear at the Time appointed, they should be fined *Ten Shillings* each Person; this was *carried in the Affirmative.*

Samuel Gray, having sent a Request to this Assembly, alleging sundry Reasons for his Non-appearance this Sessions, which were approved of, and he excused.

The Assembly by the major Votes were adjourn'd by the Speaker till next *Second Day*, at the seventh Hour in the Morning.

The House assembled at the Time appointed. The Speaker assuming the Chair, orders the Names to be called over.

The Question being put, Whether or no, the Amendment in the Bill, Number 1. relating to Cow-calves and Ewe-lambs, shall only be desired to let drop, or that the said Law of Cow-calves and Pipe-staves, shall both of them be insisted upon to let drop. It was *carried in the Affirmative.*

The Members appointed to attend the Council, to know the Reason, Why the Request of the late Assembly, concerning the Removal of *Patrick Robinson*, was not answered? Report to the House, That they delivered their Message to a Committee of Provincial Council, who said they would inform the President and Council thereof.

Proposed to Vote, That the Bill, Number 1. should pass without the former proposed Amendment, *viz. (the Laws to continue till twenty Days after the Rising of the next General Assembly)* if the other aforesaid proposed Amendments be granted; this was *carried in the Affirmative.*

Whereas the Committee aforesaid, had requested the President and Council, that the Bill, Number 1. might pass with the former Amendments; after a very long and serious Debate, the President did desire the assembly would not insist upon it at this Time, the Governor being absent.———— And he conceiving, as he said, those former proposed Amendments did interfere with the Charter. The Assembly being satisfied of the Reasonableness of their former Vote, yet in Condescension to the President, and in Consideration of the Governor's Absence, have made these late Alterations of the proposed Amendments.

Whereas *James Atkinson* exhibited a Complaint to the Provincial Council, against *Henry Stretcher*, a Member of this House, for sundry abusive Expressions and Reflections, given against the Government, and the said *James Atkinson*, in the Execution of his Office; the Provincial Council presenting the same to the Consideration of the Assembly, who, by the Balloting-box, excluded him the House, he in some Measure acknowledging his Fault, and very submissively behaving himself, departed the House.

Proposed the Vote, that the Bill, Number 4. relating to Enrolling or Registering all Charters, Gifts, Grants, *&c.* should

pass into a Law, with such Amendments as the Assembly should think fit; this was *carried in the Affirmative.*

The House adjourn'd to the sixth Hour in the Morning.

At the Time appointed the House sat. The Speaker assumes the Chair, and orders the Names to be called over.

The late expelled Member, *Henry Stretcher*, desired that he might be admitted to propose something to the Assembly, in Behalf of himself, which, after some Consideration, was admitted of.

The said Henry Stretcher appearing did acknowledge the Greatness of his Fault, and that he was satisfied in the Justness of the Assembly's expelling him the House, and humbly submitted himself to their Pleasure, promising to be more regular for the future, and then departed the House; the Assembly considering the Matter, and, after sundry Debates, put it to the Ballot, Whether he should, upon his aforesaid Acknowledgment and Submission, be re-admitted again, or no? It was *carried in the Affirmative*, and the expelled Member being sent for, was readmitted into the Assembly.

William Biles, and *Cornelius Espson*, Members sent by Assembly to the President and Council, to know, Whether they are ready to admit of a Conference? Upon their Return, give in their Answer, That the Council was ready.

The Assembly remove themselves to the Council, and from thence adjourned till the second Hour in the Afternoon.

About the Time appointed the House sat. The Speaker having assumed the Chair, orders the Names of the Assembly to be called over.

This being the Day by Charter appointed, for the Reading the Bills by the Clerk of the Provincial Council, in order to the Assembly's Assent or Dissent thereto; some Questions arising concerning the Charter, it was thought convenient, to forbear all further Proceedings on that Matter, in Consideration of the Governor's Absence, until his Arrival, which is daily expected.

William Berry, a Member of Assembly for *Kent* County, did not appear this Sessions.

Robert Bedwell, a Member of said County, deceased before this Sessions.

The House adjourn'd to their respective Places of Habitation.

At an ASSEMBLY, *held at* PHILADELPHIA, *the Tenth Day of the* THIRD MONTH, 1687.

The Members elected.

Bucks.	Chester.	Kent.
Thomas Langhorn,	*John Blunston.*	*John Brinkloe,*
Robert Hall,	*George Maris,*	*William Berry,*
Nicholas Waine,	*Bartholomew Coppock,*	*Richard Wilson,*
Robert Lucas,	*Caleb Pusey,*	*Thomas Pemberton,*
Henry Baker,	*Edward Bezar,*	*William Freeland,*
Edward Bennet.	*Randel Vernon.*	*Benoni Bishop.*

Philadelphia.	Newcastle.	Sussex.
Humphrey Morrey,	*Johannes Dehaes,*	*Luke Watson,*
William Salway,	*Edward Blake,*	*Henry Smith,*
John Bevan,	*Valentine Hollingsworth,*	*Henry Molestine,*
Lasse Cock,	*John White,* Speaker.	*Henry Bowman,*
Daniel Pastorius,	*John Darby,*	*Samuel Gray,*
Joseph Paul.	*Richard Noble.*	*Henry Stretcher.*

The Members of the House being met together, do proceed to choose their Speaker by the Ballot.——————*John White* of the County of *Newcastle*, being by the major Lot chosen Speaker, was desired to take the Chair (being attended thereto) which accordingly he did.

John Claypoole, by Ballot, chosen Clerk for this Sessions, and *Richard Reynolds*, Messenger.

The Speaker, by general Vote of the House, adjourn'd for one Hour and a Half.

About the Time appointed the House sat. The Speaker having assum'd the Chair, orders the Members to be called over.

Ordered, That the Clerk read over the Charter of the Government, which was accordingly done.

Agreed, that the President and Council be moved, That the Counties may not suffer a Vacancy, by the Suspension of Members, but that the Persons may either be re-admitted, or else Writs issued out to the respective Places, for a new Choice.

Agreed, that they be further moved, To revoke their Orders to the County Courts, prohibiting Execution to be issued out until ten Days after Judgment, by reason divers Inconveniences have accrued thereby.

Ordered, That the President and Council be desired, that for the continuing a good Understanding between the Upper

and Lower Counties, that there may be, at least, one of the Provincial Judges chosen from those Parts.

The Speaker adjourn'd the House to the seventh Hour in the Morning.

About the Time appointed the House sat. The Speaker assuming the Chair, orders the Names of the Members to be called over.

A Member of Assembly having informed the House, That he was required by the Provincial Judges to attend their Court now sitting in *Philadelphia.*

The House put it to the Vote, Whether it was not the Undoubted Right and Privilege, of every Member of Assembly during his Attendance, to be exempted from his Appearance in any inferior Court of this Government? Which was *carried in the Affirmative*, N.C.D.————Whereupon, a Message was sent to the Judges concerning the same *viz.*

WHERE AS *Henry Bowman, a Member of this Assembly, hath informed us That his Attendance was this Day expected at the Provincial Court; the Assembly do hereby give the Judges Notice, That they think it not fit to dispence with his Services: Therefore we expect nothing shall be done to his Prejudice.*

Signed by Order,

JOHN WHITE, Speaker.

To the Provincial Judges.

Ordered, That a Conference be proposed to the President and Provincial Council, wherein some Laws, which are liable to divers Interpretations, may at this General Assembly be explained, and the true Meaning thereof, declared, to prevent Diversity of Opinions and Errors, that may otherwise arise, and for the Prohibiting of several irregular Proceedings.

1. As summoning of Persons out of one County into another, to the Vexation of the free People of this Province, and Territories, and contrary to the Intent of the Laws of this Government.

2. That the President and Provincial Council be requested, to take a speedy Account (according to the Powers granted by Charter) of the Moneys paid for the Erecting of Buoys, and that with all convenient Speed the said Buoys be erected, for the Safety and Preservation of Vessels coming in, and going out of this Province, and Territories, to prevent the Clamours of Masters of Vessels, who are obliged to pay the Money, and reap no Benefit thereby.

Sent to the Council two Members of Assembly, *William Salway*, and *Thomas Langhourne*, to know, Whether they were at Leisure to receive the Assembly in full Body? On their Return, they inform the House, That the Council would be at Leisure in Half an Hour.

Then the Assembly make choice of their Speaker, to debate with the Council, concerning the several Matters before proposed, *John Blunston*, and *William Salway*, being appointed his Assistants therein, and so moved in a full Body to the Council.

And from thence adjourned for one Hour and a Half.

About the Time appointed the House sat. The Speaker having assumed the Chair, orders the Members Names to be called over.

And then, as aforesaid, other Proposals were moved in the House, to be proposed to the President and Council, *viz.* That the Law relating to Goods taken upon Execution and appraised, whether the Creditor shall be obliged to take them at the Rate appraised, if they will not advance higher at the publick Sale, or whether the Appraisors were intended to be Appraisors in other Matters.

The Law concerning Quarter-Sessions, how far the County Quarter-Sessions may be Judges of Equity as well as Law; and if after a Judgment in Law, whether the same Court hath Power to resolve itself into a Court of Equity, and either mitigate, alter, or revoke the said Judgment.

That the President and Provincial Council be requested to take such effectual Care about settling the ancient Port of the *Whorekills*, alias *Lewes*, whereby the Inhabitants may not be deprived of the Benefit of receiving Goods from on board any Vessel, until the said goods be first cleared at *Newcastle*, whereby the Difficulty of returning, and sometimes the Danger that doth otherwise attend Vessels, have deprived the Inhabitants of such Goods as have belonged to them.

That the President and Council be further requested, to take Care that necessary publick Roads be every where set forth, and duly maintained, but more especially in the County of *Philadelphia*, that traveling for Man and Beast may be made easy, safe, and certain.

By Order of the House the Messenger was sent to the Council, to know if they were at Leisure to confer with the Assembly, who on his Return brought their Answer, That they were busy at present, but about Ten the next Morning they would willingly receive them.

Four Members fined *One Shilling* each, for being absent at calling over the Names.

The Assembly adjourn'd till the seventh Hour in the Morning.

About the Time appointed the House sat. The Speaker assumed the Chair, orders the Members Names to be called over, some being absent, were marked.

Ordered, That the Assembly confer with the Provincial Council about the Regulation of the current Pay of this Government; and sundry other Complaints and Grievances, of the People.

The Speaker, by Consent of the House, appoints *Luke Watson*, and *Valentine Hollingsworth*, to know of the Council if they were ready to receive them according to Appointment; who, at their Return, acquainted the House, That the Council were ready: so the House in a full Body repaired to the Council; and after sundry Debates between them on the aforesaid Proposals, The President, on behalf of the Council, declared, That they had considered of their said Proposals, and had agreed therein, they hoped, to the Assembly's Satisfaction; expressing as followeth, *That as to the Appraisement of Goods, taken upon Execution by Appraisors qualified according to Law, if they do not advance higher in the publick Sale, the President and Council judge they shall be paid to the Creditor, according to Appraisement.*

As to the County Courts being Judges in Law as well as Equity, and reversing, Judgments given in the same Court, it was the Opinion of the President and Council, That the Law, Number 157. made at Newcastle, doth supply and answer all Occasions of Appeal, and is a plainer Rule to proceed by. And that Care shall be taken to supply the Port of Lewes, and that suitable Roads shall be settled so the Assembly taking Leave of the Council, departed to their own House; and then adjourn'd for an Hour and a Half.

About the Time appointed the House sat. The Speaker having assumed the Chair, orders the Members Names to be called over.

The House appoints *John Blunston*, *Thomas Langhorne*, *William Salway*, and *Henry Bowman*, to deliver a Message to the Council as followeth:

That the Assembly being ready to shut up this Session, do desire, for their further Satisfaction, and to be more capable to give an Account of their Proceedings to their several Counties, That the President and Council, would be pleased

to send them an Answer in Writing, to those several Proposals before presented them.

The said Members on their Return from the Council delivered to the Assembly a Paper signed by the Secretary, in Answer to the Proposals of the Assembly, as may appear on the File.

Sundry Persons by Order of the House fined, *viz. Robert Lucas*, not appearing this Sessions, was fined *Five Shillings* to be paid to *Thomas Langhorne*, and he to be accountable to the next General Assembly for the same.

Bononi Bishop, not appearing this Sessions, being Member of Assembly for *Kent* County, was fined *Five Shillings*, and ordered to be paid to *John Brinkloe*.

Daniel Pastorus, by Order of the House, fined for his Absence this Afternoon *Two Shillings* and *Six-pence*, to be paid to *Humphrey Murrey*.

Ordered by the House, That *John Blunston* shall keep the Records of this, and all former Proceedings in Assembly, he delivering them up to the first Sessions of the next Assembly.

Ordered by the House, that the Clerk provide a Book, and draw out fair the Records of Assembly, and that the next General Assembly shall satisfy him for the same.————

No more Business presenting, the House adjourn'd to their respective Habitations.

At an ASSEMBLY, held at PHILADELPHIA, the Tenth Day of the THIRD MONTH, 1688.

The Members elected.

Bucks.	Chester.	Kent.
Nicholas Waine,	*John Blunston,*	*John Brinkloe,*
Henry Baker,	*James Sanderlin,*	*John Betts,*
Richard Howgh,	*George Maris,*	*William Rodney,*
Robert Lucas, } Dead.	*Robert Pile,*	*John Burton,*
Robert Hall, } Dead.	*Edward Carter,*	*Samuel Burbury,*
Joshua Hoops.	*Thomas Coborn.*	*John Richardson,* jun.

Philadelphia.	Newcastle.	Sussex.
Thomas Hooton,	*John White,* Speaker.	*Thomas Winn,*
Thomas Fitzwater,	*Edward Blake,*	*Henry Bowman,*
Lasse Cock,	*Peter Baynton,*	*Henry Molestine,*
James Fox,	*Valentine Hollingsworth,*	*Thomas Price,*
Griffith Owen,	*John Darby,*	*John Symons,*
William Southersby,	*Joseph Holding.*	*Albertus Jacobs.*

The Members of the House being met together, proceed to choose their Speaker.——————*John White*, of the County of *Newcastle* being by major Vote chosen Speaker, was desired to take the Chair (being attended thereto) which accordingly he did.

James Claypoole by Vote, chosen Clerk for this Sessions, *Richard Reynolds*, appointed Messenger.

Ordered That the Messenger go to *William Markham*, Secretary to fetch a Copy of the Charter, and Laws, who returns with this Answer, That he hath none but what belongs to his Office.

Ordered That the Messenger go to the Council, to see if they are sitting, and ready to receive the Assemby, to hear some Members they are desires to propose to them.

Agreed that the Assembly repair to the Governor, and Council, in a full Body, to present the Speaker, and desire the Charter and Laws.

The Messenger returns, That the Council is not yet met, A Member of the House informs them, That the Council will not sit till five in the Afternoon.

The Speaker put to the Vote, Whether the Assembly request the Commissioners of Government (by Reason they have neither seen or heard their Commission) would be pleased to show them their Commission of Government, whereby they may warrantably proceed in all such Matters, wherein the Governor is concerned; and more especially in Relation to the promulgated Bills, coming out in the Name of the Governor and Provincial Council? Which was *carried in the Affirmative*, N.C.D.

Proposed to the Vote, Whether the Commissioners of Government and Council, be desired that the Assembly may have a true Copy of the Charter, or a Sight of the Original? It was *carried in the Affirmative*, N.C.D.

Put to the Vote, Whether the Commissioners of Government and Council, be desired that the Assembly may have a true Copy of the Laws of the Province? *Carried in the Affirmative*, N.C.D.

Put to the Vote, Whether every Member that doth not appear in due Time, according to Adjournment, shall be fined *One Shilling?* It was *carried in the Affirmative*, N.C.D.

Moved, That the Governor and Council, be requested to appoint a convenient Place to hear the Assembly at all Times, and in such Matters as they may have Business to confer with.

The Speaker, by general Vote of the House, adjourns till

Five in the Afternoon, under the Penalty of *One Shilling* Fine for every Member that doth not appear.

About the Time appointed the House sat. The Speaker having assumed the Chair, orders the Names of the Members to be called over.

William Southersby, not appearing was fined.

Moved, That *Edward Blake*, and *James Fox*, go to the Governor and Provincial Council, to know if they be ready to receive the Assembly, to hear some Matters they are desirous to confer with them; who returning, answer, That the Council are ready to receive them.

The Speaker adjourns, and the House moves in a full Body to the Council; and afterwards taking Leave of the Council, the Assembly went to their own House.

The House appoints a Committee to confer with the Committee of Council, *viz. Thomas Winn, Nicholas Waine, Griffith Owen, John Blunston, Edward Blake, William Rodney.*

Adjourned till seven in the Morning.

About the Time appointed the House sat. The Speaker having assumed the Chair, orders the Members Names to be called over; and some of the Members being absent were fined.

Put to the Vote, Whether every Member of Assembly attest to keep the Secrets of the House? It was *carried in the Affirmative*, by the major Part; which Attestation being worded and attested to by the whole House, except one Member.

The Test as followeth:

I A.B. *do Solemnly promise Faith and Allegiance to* JAMES *the second, King of England, &c. I do also Solemnly promise Fidelity to the Governor, and faithfully to Serve the Province in the Capacity of a Representative, to move, propose, or advise nothing, but what I do believe is consistent with the Honour of God, our Allegiance to the King, our Fidelity to the Governor, and all the just Rights and Privileges of the Freemen of this Province or Territories in their Assembly: And I do farther Solemnly declare, That for the more free and Secure debating all Matters that shall be debated in Assembly, I will not, directly or indirectly, relate, divulge or discover any Speech, or Person, without the Consent of the Assembly, whereby any Member may be censured, or any wise hurt for his Speech; but do declare, That all Speeches in Assembly made, ought to be only censured, approved and condemned in the Assembly, and no where else.*

The Clerk and Messenger were attested faithfully to serve the Assembly, and not to discover and disclose the Secrets of the House, *&c.*

Ordered, That the first Charter be read, which was made and printed in *England*, which was accordingly done.

The House adjourned into a Grand Committee.

Ordered, That the Charter made at *Philadelphia*, be read over, which was accordingly done.

The Grand Committee being adjourn'd again.

Agreed, That six Members of the House appointed last night, go to the Committee of the Provincial Council, to desire their information, whether Yesterday one of the Commissioners of Government did not say, That the Power of judging the Qualifications of each Member, was invested in the Breast of the Governor and Council; and to know whether they have any Bills to offer to Assembly, or other Matters? Which they accordingly did, and return Answer, That the Committee is not sitting.

John Grantum, by his Wife, preferring a Petition; it was *ordered* to be read, and the Speaker informs the House the Contents of the Petition and is left for a farther Consideration.

Adjourn'd till Two in the Afternoon.

About the Time appointed the House sat. The Speaker assumed the Chair, orders the Members Names to be called over.

Jeremiah Collet, and *George Foreman*, prefer a Petition, which the Speaker orders to be read.

The House orders that it be moved to the Governor and Council, That the Fees due to the King's Attorney General, may be regulated and fixed according to Law.

Jeremiah Collett, and *George Foreman*, being sent for by the Assembly, to give an Account of their Petition: After hearing them, the Speaker desired them to withdraw, and the Assembly would consider of it.

The Committee of Assembly, having met the Committee of Council, return with this Answer, *That the Assembly ought to have presented their Speaker to the Governor and Provincial Council, to be approved of by them; and whether they judg'd themselves qualified as an Assembly: And that the Assembly had not Power to make a Committee; and the Council would not receive them by a Committee for the future: That what Addresses were made from the Assembly, the Committee of Council would present them to the Governor and Provincial Council, and inform them their Resentments thereof; but not as a Committee of the Assembly, but by some Members thereof. But that the present Business of the Assembly, was only to*

consider the promulgated Bills, whether fit to be passed into Laws or not, or amend the same, wherein they should be very ready to concur with the Assembly; else if they did not begin to consider the Bill, the Council would dissolve them: And that the Assembly keeping themselves to private, and Shutting their Doors, Seemed to the Governor and Provincial Council, to be Some new prerogative Power assumed to themselves.

The Speaker ordered the promulgated Bills to be read.——— Bill, Number 1. relating to the Continuation of former Laws, should pass into a Law, with such Amendment as the Assembly should think fit, provided that such Laws be *repealed*, that be declared by the Freemen here prejudicial to the Publick; which the Speaker putting to the Vote, was *carried in the Affirmative*, N. C. D.

Put to the Vote, Whether the Bill, with the Amendments above, be sent to the Committee as it is? *Resolved in the Affirmative*, N. C. D.

Ordered by the House, That *Thomas Winn, Edward Blake, Griffith Owen*, and *George Maris*, attend the Committee of Council with the abovesaid Bill; who return their Answer, That the Committee not being all there, they left the Bill, with the Amendment, with some of them, who promised to present it to the Council; but as to the *Repealing* of any Laws, it was too late now, but they would willingly concur with the Assembly in all Things agreeable to the *Charter of Liberties*.

Adjourned by Consent, till Seven in the Morning.

About the Time appointed the House sat. The Speaker assumed the Chair, and orders the Members names to be called over; some absent were marked.

Ordered by the Speaker, That the Clerk proceed to read the Bills.

The Bill, Number 2, was read, relating to a set Rate for the Loan or Interest of Money or Commodities.

Put to the Vote, Whether the Bill above should pass into a Law, with this Amendment, *(That it continue only for one whole Year, and no longer) passed in the Affirmative*, by major Vote.

The Bill, Number 3, was read, relating to the Selling and Disposal of Lands by Order of the Court of Orphans, with the Approbation to the Governor and Council, for the Help and Supply of Widows and Orphans of Persons Intestate.

Put to the Vote, Whether the Bill above shall pass into a Law, with this Amendment, *(That it be in Force only for one whole Year, and no longer)* resolved in the Affirmative, N. C. D.

The Bill, Number 1. was again debated, and put to the Vote, That this Bill within shall pass into a Law, with this Amendment *(That it continue for one whole Year, and till the Rising of the next General Assembly, and until twenty Days after, and no longer, only excepting Such Laws, called the Fundamental Laws)* and *passed in the Affirmative*, N. C. D.

Agreed, That *Thomas Winn*, *Griffith Owen*, *William Rodney*, *George Maris*, and *Nicholas Walne*, attend the Council with the aforegoing Bills, and their Amendments.

One of the Members informs the Assembly, That, as a Representative for the County of *Sussex*, the Freemen of the County required him to move the Assembly, that they inspect and examine the Reason, why when by due Election they had chosen two Persons to represent the Freemen of the County in the Provincial Council, who appearing to the Council were not admitted, whereby the Freemen were aggrieved.

The Persons returning, answer, They delivered the Bills, with the Amendments, to the Committee, who intend to consider them, and prefer them to the Governor and Provincial Council.

Some Members of the House offering that the House would consider to appoint some Time to hear and examine the Nature of the Petition preferred by *John Grantum's* Wife, it was *Ordered*, that she attend the next Sitting after Adjournment.

The Bill, Number 4. was read, relating to Land, and Messuages to pay Debts, with Restriction of one Year allowed to the Debtor for redeeming the same, and having debated about it.

Put to the Vote, Whether the Bill above shall pass into a Law, with this Amendment; and deferred to the Afternoon.

Adjourn'd to Three in the Afternoon.

About the Time appointed the House sat.

William Southersby, being fined for his Absence, informed the House, that the Wind and Weather preventing his coming sooner; which Excuse allowed of, the Fine was remitted.

The Amendment of the Bill, Number 4. being duly considered, and put to the Vote, Whether it shall pass as a Law, with this Amendment, Explanation, and Alteration of the same, and Addition *(That after such Sale as aforesaid, the Land shall be and remain as a free and clear Estate to the Purchaser, his Heirs and Assigns, for ever, as ever it was to the Debtor: Provided always, That lawful Interest be allowed to the Creditor, from the Time of the said Judgment obtained, until the Said Time of Sale or Satisfaction; provided the Chief*

Plantation or Messuage shall be the last to be executed. And that this Law continue for one whole Year, and till twenty Days after the Rising of the next General Assembly, and no longer) Resolved in the Affirmative, N. C. D.

The Petition of *John Grantum,* being read, the House ordered the Messenger to call the Petitioner to make appear the Charge of the Petition.

James Fox, a Member of the House, desiring Leave for this Afternoon, upon urgent Occasions, was granted Leave.

The Speaker orders the Copies of the Court Records and Proceedings to be read over, which was done, with the Decrees of the Judges, Bill of Charges, *&c.* and after Examination of the Petitioner, dismiss'd her, to debate concerning what Matters were offered.

Agreed, That there be a Request drawn up, and presented to the Governor and Council, to remonstrate the said Grievances, and *carried,* by Vote, *in the Affirmative,* N. C. D.

The Petition of *Jeremiah Collet,* and *George Foreman,* being read and considered, *Proposed* to the Vote, Whether a Request be drawn up, and presented to the Governor and Council, to examine the same? *carried in the Affirmative,* N. C. D.

Ordered, That *Nicholas Waine,* and *Griffith Owen,* repair to the Governor, and Provincial Council, to know it they be at Leisure to receive a Request from the Assembly; who returning, answer, They are ready to receive any Request, *&c.*

Agreed, That four Members go to the Governor and Council, and deliver the said Requests, informing them, the House desire their Considerations and Answer therein.

Adjour'd till *Monday,* at Eight in the Morning.

About the Time appointed the House sat. The Speaker having assumed the Chair, orders the Members Names to be called over.

The Speaker orders the Bill, Number 4. with its Amendments, to be read, which was again *passed,* and agreed, That *William Rodney,* and *Robert Pile,* attend the Governor and Council, with the said Bill and Amendment, and to know, whether they are at Leisure to receive the Assembly.

The Bill, Number 5. was read, relating to the Prohibition of Exportation of Deer-Skins, without Publication, *&c.*

The Members, ordered to attend the Governor, and Provincial Council, return, and answer, The Commissioners of Government are sitting about some weighty Affairs, and the Governor and Provincial Council will meet within Half an Hour.

Ordered, That the Messenger see if the Governor and Pro-

vincial Council be met, who returns answer, They are sitting.

Ordered, That two of the Members of this House repair to the Governor and Provincial Council, to know if they be at Leisure to receive the Assembly, about such Matters they are willing to confer with them, and that they deliver the Bill, Number 4. who returning, answer, That the Governor and Provincial Council will not admit any Conference with the Assembly, till they have done with the promulgated Bills, and then they are willing to give them any Satisfaction.

Put to the Vote, Whether the Bill, Number 6. shall pass into a Law, with this Amendment, that the Words *(or Sufficient Memorandums* of the Same) be inserted in the seventh Line, next to the Words *Conveyances of Lands*, and that the Word *(recorded)* be inserted before the Words, *according to Law; resolved in the Affirmative*, N. C. D.

Put to the Vote, Whether the Bill, Number 5. shall pass into a Law as it is? *Carried in the Affirmative*, N. C. D.

Ordered, That the said Bill, Number 6. with Amendment, be carried to the Governor and Council.

The Bill, Number 7. was read, and put to the Vote, and *carried in the Negative*, N. C. D.

Put to the Vote, Whether an Amendment annexed to the Bill, Number 7. shall be presented to the Governor and Council alone by itself, and not conjunct with the Bill? *Passed in the Affirmative*, by the major Vote.

Adjourn'd till Three in the Afternoon.

About the Time appointed the House sat. And the Speaker having assumed the Chair, ordered the Members Names to be called over.

Agreed, That six of the Members attend the Council, with the Declaration relating to the Bill, Number 7. And that two Members desire of the Council, Whether they are willing to receive them? Who answered, they will not admit any Conference yet; but some of the Assembly may come and communicate the Matter to them. The Persons appointed, were *John White*, Speaker, *Edward Blake*, *John Blunston*, *Thomas Winn*, *Nicholas Waine*, and *James Sanderlin*.

Adjourn'd for Half an Hour.

The Members returning from the Governor and Council, answer, That they presented the said Paper; to which the President reply'd, *That as to the Rates of Imposition, it rather belonged to the Assembly to appoint an Set, than to the Governor and Council: And likewise, That no just Grievance of the People presented by the Assembly, but should be redressed. Likewise intimating, That as to the Bill, Number 5. relating*

to the Prohibition of Skins, they were very desirous it might be passed; but should leave it to the Assembly, and that they would meet the Assembly in Conference, in order to remove all hard Thoughts, &c.

James Sanderlin, a Member of this House, informed the House, That his Wife was very sick, requesting he might be dismiss'd, which was granted.

Adjourn'd till Eight in the Morning.

About the Time appointed the House sat. The Speaker having assumed the Chair, orders the Members Names to be called over.

The Governor and Council, having sent a Messenger to know whether the Assembly are willing to confer with them; if so, they will meet them at the Assembly House.

Put to the Vote, Whether the Bill of Grievances, containing seven Articles, should be presented to the Governor and Council? *Resolved in the Affirmative*, N. C. D.

The Commissioners of Government and Provincial Council met with the Assembly, and had Conference together at their own House.

Adjourn'd till Six in the Evening.

About the Time appointed the House sat. The Speaker having assumed the Chair, orders the Members Names to be called over.

Put to the Vote, Whether the Bill, Number 5. shall pass into a Law as it is? *Carried in the Negative*, by major Vote.

Put to the Vote, Whether the said Bill should pass, with this Amendment, to take off a set Price and Specie? *Carried in the Negative*, by major Votes.

Adjourn'd till Six in the Morning.

About the Time appointed the House sat. The Speaker having assumed the Chair, order the Members Names to be called over.

The Bill, Number 7. was again read and debated, and put to the Vote. Whether to pass with Amendment? *Was carried in the* Negative, by the major Vote.

Put to the Vote, Whether the said Bill should pass as it was, without any Amendment? *Negatur*, N. C. D.

Adjourn'd till Seven in the Morning.

About the Time appointed the House sat. The Speaker having assumed the Chair, orders the Members Names to be called over.

Ordered, That two Members repair to the Governor and Provincial Council, or a Committee, to desire them to send the

Bills, with those Amendments they have agreed to, that the Assembly may consider of them who return; That having informed the Governor and Provincial Council thereof, they answer, they expect the other Bills which are behind first; and they will return them all, with such Amendments as they shall see meet.

The Bill, Number 7. was again read the third Time, and put to the Vote, Whether any Duty should be laid on Hides, Peltry, and Deer-Skins, to be exported? And *carried in the Negative.*

Put to the Vote, Whether the Address, in Relation to the Bill, Number 7. proposed to the Governor and Provincial Council, be desired back again, to consider of it? And *passed in the Affirmative*, and agreed, that two Members be sent thither, to request the same; who returning with it, answered, That the Governor and Council did grant, upon the Condition it should be returned back, with what other Amendments might be made on it.

Lassie Cock, *John Brinkloe*, and *John Betts*, for their Absence, were fined each *One Shilling*, who appearing, declared they thought the House was broke up; which Excuse was granted.

Ordered, That two Members acquaint the Governor and Council, that they cannot immediately attend them with the Address, but will consider of it till the Afternoon; who return, they have deliver'd their Message.

Put to the Vote, Whether there be an Imposition of *Twelve Pence per* Gallon upon Rum, Brandy, Wines, and other strong Liquors, imported in Vessels not wholly belonging to this Province and Territories? *Resolved in the Affirmative.*

Put to the Vote, Whether there be an Imposition of *Eighteen pence*, each Barrel of Beer and Cyder, imported as above? *Resolved in the Affirmative.*

Put to the Vote, Whether *Eighteen Pence* each Barrel of Melasses as above? *Carried in the Negative.*

Put to the Vote, Whether there be an Imposition of *Twelve Pence per hundred Feet of Boards, and Two Shillings* and *Six-pence* per Thousand of Shingles, and Clap-boards, to be imported into this Bay, to be paid in Specie, Silver-money, or Wheat? *Resolved in the Affirmative*, N. C. D.

Adjourn'd till Two in the Afternoon.

About the Time appointed the House sat. The Speaker having assumed the Chair, orders the Members Names to be called over.

Ordered, That two Members carry the Address to the Governor and Council, relating to the Bill, Number 7. with the Additions as before; and was *Voted in the Affirmative.*

Put to the Vote, Whether the Bill of Grievances, containing seven Clauses, as drawn up, be delivered to the Governor and Provincial Council (each Article being voted to distinct) and be desired that they consider the same, and redress them? *Resolved in the Affirmative.*

As far as the first Clause, or Article, Seems to us whose Names are here written, to reflect on the Judges in their Proceedings in the last Provincial Court (which seems to us not irregular) do protest against, GRIGGITH OWEN, WILLIAM SOUTHERSBY, JOSHUA HOOPS.

Adjourned till Eight in the Morning.

About the Time appointed the House sat. The Speaker having assumed the Chair, orders the Names of the Members to be called over.

The Bill of Grievances being again read, was put to the Vote, Whether the Speaker sign the same, in Behalf of the Assembly? *Resolved in the Affirmative*, N. C. D.

Ordered, That two Members present the said Address to the Governor and Council, who returning, answer, That they having presented the said Bill of Grievances; and likewise informed the Governor and Council, That if they saw meet to amend the Money Bill, in relation to foreign Vessels, *&c.*

Adjourn'd for Half an Hour.

About the Time appointed the House sat. The Speaker having assumed the Chair, orders the Members Names to be called over.

Ordered, That two Members attend the Governor and Council, with the Request relating to a Fair to be held at *Newcastle*, and *Sussex;* who return, That they well accepted of it.———And as to the promulgated Bills, *&c.* they will consider them, and resolve the Assembly in an Hour.

Adjourn'd till Two in the Afternoon.

The House met, and adjourn'd till Five.

About the Time appointed the House sat. The Speaker having assumed the Chair, ordered the Members Names to be called over; some absent were fined.

Ordered, That two Messengers repair to the Governor and Council, to desire the Bills with the Amendments; who return answer, That they expect them all before they make any Return, there being two wanting.

Agreed, That two Members attend the Governor and

Council with the Bills, Number 5. and 7. with the Declaration of the Assembly in Relation to them; who returning, answer, That they delivered the Bills and Declarations to the Governor and Provincial Council; who read them, and questioned, Whether the Assembly had no more Papers to offer?

Adjourn'd till Seven in the Morning.

About the Time appointed the House sat, and Members Names were called over; and some marked for Absence.

The Speaker, and another Member, move to the Governor and Council To confer with them about the Bills; who return with the Bills, and their Amendments, *viz.* Number 1, 2, 3, 4, were again read, with their Amendments; agreed to by the Governor and Council, and put to the Vote; *resolved in the Affirmative*, N. C. D.

Agreed, That two Members, attend the Governor and Council, to inform them, That the Assembly hath done what they have to do in relation to the Bills; and only wait and expect their Concurrence in passing the same.——To which the Governor and Council return answer, That in Half an Hour they will meet the Assembly at their own House, in order to the concluding and finishing the said Bills, *&c.* as above.

Ordered, That a Paper be drawn up, and presented to the Governor and Council, as a thankful Acknowledgment of their Kindness, *&c.* Being put to the Vote, *resolved in the Affirmative*, N.C.D.

Whereas the Clerk of the last Assembly was ordered to transcribe the Minutes and Records of the former Asemblies; but not being finished, *Ordered*, That the present Clerk do complete the same, and return them to the next General Asembly, who are to satisfy him for the same.

No more Business presenting, the House adjourn'd to their respective Habitations.

JAMES CLAYPOOLE, Cler, Synod.

At an ASSEMBLY, *held at* PHILADELPHIA, *the Tenth Day of the* THIRD MONTH, 1689.

Griffith Owen, and *Thomas Duckett*, being sent to Secretary *Markham*, for the Returning of the respective Members of Assembly, brought in the Account following, *viz.*

AN Account of the Assembly for the Year 1689.

Philadelphia	Bucks	Kent.
Joseph Fisher,	*Arthur Cook,* Sp'ker,	*Daniel Jones,*
Abraham Updegrave,	*William Biles,*	*William Berry,*
Griffith Owen,	*Phineas Pemberton,*	*William Manboe,*
Thomas Paschall,	*John Swift,*	*John Walker,*
Thomas Duckett,	*Nicholas Walne,*	*Peter Groundike,*
Henry Waddey.	*Edmund Bennet.*	*Daniel Brown.*
Chester.	Newcastle	Sussex.
James Sandiland,	*John Darby,*	*Baptist Newcombe,*
Samuel Levis,	*John White* in prison	*Samuel Gray,*
John Bartram,	*Val. Hollingsworth,*	*Robert Clifton,*
Robert Pile,	*Edward Blake,*	*Henry Sheppard,*
Michael Blunston,	*Isaac Welton,*	*Luke Watson,* jun.
Jonathan Hayes.	*Richard Mankin.*	*Jonathan Bailey.*

The Members of the House being met as above, proceed to chose their Speaker.

Arthur Cook, of the County of *Bucks,* being, by major Vote, chosen by the Ballot, Speaker, was desired to take the Chair (being attended thereto) which accordingly he did.

David Lloyd, being chosen Clerk for this Sessions.

William Elingworth was appointed Door-keeper, or Messenger.

Ordered, That the Messenger repair to the Council-Room, to see if the Governor and Council were sitting, who afterwards returns with Answer, That they were not yet met.

Afterwards *Joseph Fisher,* and *William Biles,* two of the Members, being requested to go to the Governor and Council, to desire to know whether they were at Leisure to hear some Things that the Assembly have to propose to them? Which said Members returned, with Answer following, *to wit; That the Governor (being in the Street, near the Council-Room, attended by a small Number of the Council) informed the said Members of this House, that there was not a competent Number of Council-Members in Town, but he would see what he could do To-morrow Morning.*

Whereupon the Speaker, by Consent of the House, adjourn'd till To-morrow Morning, at Eight of the Clock.

At which Time the Speaker assumes the Chair, and orders the Names of the Members to be called over, which was done accordingly by the Clerk.

Whereupon there was absent, of the County of *Bucks, John Swift,* and *William Biles;* of *Newcastle, John White,* who is

in Prison at *Newcastle; Kent* County, *Peter Groundike*, and *Daniel Brown; Sussex* County, *Robert Clifton, Hercules Sheppard*, and *Jonathan Bailey.*

Afterwards it was *Ordered*, That two Members, *viz. Nicholas Walne*, and *Edmund Bennet*, should repair to the Governor and Council, to know whether they are at Leisure, to the End the Assembly may attend them, and to know whether the Assembly should apply themselves to the Governor and Council together, or to such Committee as they should think fit to appoint, to receive Proposals or Aggrievances from the House.

The said Messengers return, with the Answer following, *viz. That they were informed by the Governor, attended by eleven Members of Council, that they were not a sufficient Number for a Council, but hoped the House will be full by next Second-Day, at Nine a Clock in the Morning.*

Ordered, That *Peter Groundike*, for those two Days Absence, be liable to pay *Five Shillings* per Day, therefore (N.C.D.) he is fined in *Ten Shillings*, to be paid before he be admitted to sit in the House.

David Brown, is also fined in *One Shilling*, for Non-appearance this Morning.

Upon reading of *John White's* Petition, it is *Ordered*, That a Committee, consisting of two Members out of every County, *to wit, William Biles*, and *Nicholas Walne*, of *Bucks* County; *Thomas Duckett*, and *Griffith Owen*, for *Philadelphia; John Darby*, and *Richard Mankin*, for *Newcastle* County; *Samuel Gray*, and *Baptist Newcomb*, for *Sussex* County; *William Berry*, and *Daniel Jones*, for *Kent;* and *Robert Piles*, and *Samuel Levis*, for *Chester;* to consider of the said Petition, with other Aggrievances that shall happen within the Cognizance, and to bring in their Report thereof to the next Sitting next Second-day, at Nine in the Morning, to which Time the Speaker by Consent hath adjourned.

At which Time the Speaker assumes the Chair, and orders the Names of the Members to be called over, which was done accordingly.

Whereupon the Members all appeared, except *John White*, a *Member of Newcastle County*, who is detained in Prison at *Newcastle*, as this House is informed. Also *Robert Clifton, Hercules Sheppard*, and *Jonathan Bailey*, Members of *Sussex* County. The said *Jonathan Bailey* having not appeared at all, the House will take it into Consideration.

Peter Groundike, making his Appearance, submitted to the House for a Mitigation of the Fine of *Ten Shillings*, imposed on

the eleventh Instant, and desires Admittance to sit, which is ordered accordingly, and the said Fine is mitigated to *Five Shillings*, which the said *Peter Grounike* is ordered forthwith to pay and which he undertook accordingly.

And as concerning *Daniel Brown*, *Robert Clifton* and *Hercules Sheppard*, they are discharged of their Non-appearance.

The said Committee of Grievances, appointed last Sitting, brought in a Paper, reciting, *That whereas there were several Messengers sent from the Assembly, in order to attend the Governor and Council, upon several Occasions, who answered That there was not a competent Number of Council Members, to receive the Assembly. Therefore we desire to know the Reasons why there is not a full Council, being we are satisfied there was a competent Number in Town (as we conceive) duly elected.*

And also they brought two Proposals, which were reduced to one Question, as followeth, *viz.* The Question being put by the Speaker, *Whether it is a Breach of Privilege of the General Assembly, That any Person, duly elected to serve in Assembly, should be detained in Prison, during the Time of the Session; and whether a Member so detained, his Crime and Person ought not to be brought hither; and that the Assembly be the proper Judges, whether such a Crime be sufficient to detain him from his Attendance and Service here? Resolved in the Affirmative*, N.C.D.

The Question was put, Whether such a Member so detained in Prison, may be sent for, by Order of this House, in the Nature of a *Habeas Corpus*, or not? *Resolved in the Affirmative.*

Whereupon *Joseph Fisher*, *Edward Blake*, *Luke Watson*, junior, *Samuel Gray*, and *James Sandiland*, enter their *Protest* against the last vote.

Whereupon two Members, *viz. Valentine Hollingsworth*, and *John Swift*, were sent to know whether the Governor and Council were sitting, and whether they have appointed a Committee to confer with this House; who returned answer, That there is no Council sitting, as they were informed by *Joseph Growdon*, one of the Members of Council

Resolved, That a Paper be drawn, before the next Sitting, to present the Aggrievance brought in by the Committee, concerning the Members of Council, who are not admitted to sit in Council; and that the same Paper be drawn up by the same Committee; Upon the Question put, Whether a Committee should draw up a Form of an Order, for the bringing up of

John White, with the Cause of his Detainment? *Carried in the Affirmative.*

And *Ordered*, That *Phineas Pemberton, Isaac Weldon, Henry Waddey, Jonathan Hayes, Peter Groundike*, and *Robert Clifton*, be a Committee to draw up the said Order.

Whereupon the Speaker, by Consent of the House, adjourns till Five of the Clock this Afternoon.

At which Time the Speaker assumed the Chair, and orders the Names of the Members to be called over, which was done accordingly.

Whereupon the Speaker, by Consent of the House, adjourn'd till Nine of the Clock Tomorrow Morning.

At which Time the Speaker assumed the Chair, and orders the Names of the Members to be called over, which was done accordingly.

The Members appeared, except *John White*, who is in Prison, *&c. Daniel Jones*, and *Samuel Gray*, who are sick, and *Jonathan Bailey*, who has not at all appeared here.

William Biles, Nicholas Walne, Thomas Duckett, Griffith Owen, William Berry, Daniel Jones, John Darby, Richard Mankin, Samuel Gray, Baptist Newcomb, Robert Piles, and *Samuel Levis*, being the Committee of Aggrievances, appointed the eleventh Day of this Instant, brought in the Request following, *viz.*

That whereas this Assembly have attended here for Several Days, and have Sent Several Messengers to the Governor and Council, appointed to confer with the Members of Assembly, according to Charter. And whereas the Said Messengers have given this House to understand, that they were answered by the Governor, That there was not a full Council to receive them. And whereas this House being well assured that there is, and has been for *these two Days last past, a competent Number of Members in Town, ready to yield their Attendance; yet several of the said Members have not been hitherto permitted to sit in Council, to the great Detriment and Grievance of the Country: Therefore we desire that these our Aggrievances may be speedily redressed; and our Liberties and Privileges inviolably preserved.*

The Question being put by the Speaker to the House, Whether the last mentioned Aggrievances shall be signified to the Governor and Council? *Resolved in the Affirmative*, N.C. D. And that a Transcript of the above Aggrievances be presented to the Governor and Council by the Speaker, attended by the whole House.

John Simcock, and *Joseph Growdon*, two of the Members of Council, gave this House to understand, that they were sent by the Governor, to desire the Assembly would be pleased to repair to the Governor's Lodgings, where there is a full Council met, and where the Governor has some Matters of Moment to impart to the Assembly.———In Answer to which Request, it is unanimously *Resolved*, That this House present themselves in a Body, within Half an Hour, which was done accordingly.

About an Hour after, the Members returned, and the Speaker assumes the Chair, and, by Consent of the House, adjourn'd till To-morrow Morning, at seven a Clock.

At which Time the Speaker assumes the Chair, and orders the Names of the Members to be called over, which was done.

The same Committee of Grievances were ordered to go together till Eleven of the Clock, to which Time this House adjourns. And then the Speaker assumes the Chair, and orders the Names of the Members to be called over, which was done. Whereupon the said Committee brought in the Aggrievances following, that is to say, *First, we do present as an Aggrievance, That no Person, who is commissionated or appointed by the Governor to receive the Governor's Fines, Forfeitures and Revenues whatsoever, shall sit in Judgment in any Court of Judicature with this Government, in any Matter or Cause whatsoever, where a Fine or Forfeiture shall or may accrue to the Governor.*

The Question being put, Whether the said Aggrievances shall be presented to the Governor and Council? *Resolved in the Affirmative.*

Valentine Hollingsworth, and *John Swift*, were sent to the Governor, to desire a Copy of the Speech or Paper, which he had read to the Assembly, when they last attended him in Council.

The said *Valentine Hollingsworth*, and *John Swift*, returned with the said Paper, which is numbered 1. upon the Files or Bundle belonging to this Assembly; and is as follows, *viz.*

"*Worthy Friends and Gentlemen,*

This being the first Opportunity of your appearing together in this Assembly since my Arrival, I hold it necessary, in a few Words, to inform you of my Errand amongst you.

Having received a Commission from the Honorable WILLIAM PENN, the true and absolute Proprietary, and chief Governor, for the Government of this Province, and Counties annexed under him, and his Heirs; I undertook the Journey

from *Boston* in *New England*, hither, about the latter End of the last *Ninth Month;* and upon my Arrival, presented myself to those whom I found in Authority, giving them a View of my Commission; who voted their acquiescing therewith; and being thereby referred for my Instructions and Guidance to their Commissions, and such Instructions as the Proprietary had formerly given them, and the Laws of this Province which he had passed: I requested a View of them, and thenceforth made it my Study to become instructed in my Duty by them, and have accordingly acted to the best of my Understanding; but it has been my great Unhappiness to meet with unexpected Opposition therein.

Gentlemen, I shall not apologize for myself further, than by telling you, *First*, That I sought to rule over you; it was from the meer Good-will and Pleasure of the honourable Proprietary, my worthy Friend; and I hoped it would have ended before this Time.

Secondly, That being resolved of undertaking it for a Time, I also designed to do it with all imaginable Respect to him, and yourselves.

Thirdly, That I endeavoured so to demean myself therein, as I doubt not, when my Master shall receive the Account of what has passed since my Arrival, it will be sufficiently evidenced, that I have acted according to my Commission, and Instructions from him.

Fourthly, That in Expectation of his Arrival (which God grant suddenly, if it be his Will) I shall wait for my Vindication against the Malevolency of my Opposers.

"I suppose you have been formerly acquainted with the Reasons and Necessity of the Proprietary's absenting himself so long from you as till the late Revolutions in *England;* he hath frequently evidenced his strong Desire above all Things to be restored to you: What hath hindered of late, we have from the divers Reports of Things transacted in *England*, which require we should wait for their being rendered more certain; and in the mean Time, strive in our Prayers, that the Lord, who governs this Universe, will do it in his Wisdom and Good-will, towards all his suffering People, and ourselves in particular.

I suppose, *Gentlemen*, you expected some Bills should have been sent down to you from the Provincial Council, for your Consideration, before your coming up and passing them into Laws at this Meeting; divers Reasons might be, why none were; I shall acquaint you with some of them, *viz*,

1. The honourable Proprietary, for Reasons known to himself, hath given positive Directions for letting all the Laws drop or fall, except the *Fundamentals*, and afterwards for calling together the Legislative Authority, to pass such of them, or others, as they should see fit, for the future; which is my full Intention to do.

2. The honourable Proprietary, being by his Patent from the King, authorized by himself, his Heirs, *&c.* with Consent of the Freemen, to make, and under his Seal to publish necessary Laws for the Good of the People, which had never been done with all requisite Circumstances, whilst himself was here, and without which, I much doubt, whether what were passed, or should hereafter be passed, have that due Sanction or Establisment which Laws require; And finding the Great Seal, under which they should pass, was not to be had, the Keeper thereof refusing to allow the Use of it in any Cases by my Direction, I therefore look'd upon it as Labour in vain to attempt it.

3. The present Posture, and Alteration of Affairs in *England;* the Uncertainty, touching the Condition of the Proprietary himself, and his Power; and Fears of what Dangers might ensue, as well to him as ourselves, in passing and confirming Laws of such a Nature, as would have been approved of in this Conjuncture of Affairs, forbad it.

4. The Animosities and Dissentions which were here amongst you before I came, and have been lately revived amongst the Members of the Provincial Council, by the Endeavours of some, as to their Proceedings in that Service, hindered their Agreement in Council, as to doing any Thing; insomuch, as I was constrained, for Love and Peace Sake, upon that and the other foregoing Considerations, to dismiss them from further Attendance on that Account.

5. An Expedient occurred to me, of less Danger to us all, *viz.* That I being by my Commission as aforesaid, referred for my Rule and Instructions to the Laws then in being, and which had been as well by the Proprietary as People, approved and owned as such, whilst he was amongst you here; and observing that he had reserved the Consideration and Disannulling of what Laws should be made in his Absence, to himself; so that if any were, or should be proposed, they could not take Effect among us as Laws, till his Pleasure should be therein declared; I came to a Resolution within myself, of observing them in the Course of my Government, as so many Rules and Instructions given me by my Master, as far as I should find and judge them not contrary to the Laws of *England*, and

in supplying the Want or Defect in your Laws, by the Laws of *England*, which I believe, will be most grateful to our Superiors in *England*, especially at this Time, and will be as useful amongst ourselves, there being no other Way occuring to my Understanding whereby you may receive the Benefit of them; and in this Purpose I remain ready, unless you should otherwise advise, until by better Information out of *England*, we shall be led out of these State Meanders.

Gentlemen, I assure you that I will, as far as I judge I may, with a good Conscience, manage myself in governing you agreeably to your Charter from the Proprietary, and the Rules and Instructions of your Laws, if I may be suffered so to do, and where they are defective, according to the King's Letters Patents, having a due Regard to your Principles, as I am instructed by my Master, till God shall be pleased otherwise to direct and clear our Way to us all, whole Duty it is as becomes Christians, in all Things to attend and readily comply with his Will; I say, I will, as far as I judge I may with a good Conscience, so manage myself in governing you.

Then, *Gentlemen*, let Reason, and not Passion or Prejudice, thro' any Mis-informations, influence; I pray God direct us all therein, that we may in this our Day, know the Things that make for our Peace, lest they be hidden from our Eyes, and we too late repent we were advised, but understood it not. I assure you, nothing shall be wanting on my Part, wherein I may justify a Compliance with any Thing you shall reasonably desire, but I expect the same Liberty and Exercise of my Judgement and Conscience as you do: I am sure you will expect no more from me, for I take it for granted, this is a Fundamental Rule with every one of you, *To do others, as you would they should do to you.* When I fail to walk according to this Rule, my Master will not let me be any longer your Governor.

Gentlemen, I will only add this, That as soon as we have certain Intelligence from *England*, I will advertise you, and if the Council shall so advise, will call you together, in order to your being as early in bespeaking the Countenance of the Authority over us, to indulge us in our Differences from others, as may be expedient, and will cordially join with you herein if you shall desire it, that you may have as large Privileges and Exemptions as shall be judg'd reasonable to desire.

Now, if these Things I have said will not please you, I can say no more. but go on and prosper in your own Sentiments; and if you suffer by so doing, I shall be sorry your

Breach fell out in the Time of my Government over you; but the Will of God be done; with which I end at this Time."

Philadelphia, 14. *Third Month*, 1689.

Whereupon the Speaker by Consent of the House, adjourn'd till the sixth Hour this Afternoon.

At which Time the Speaker assumes the Chair, and orders that the Names of the Members be called over, which was done.

Upon which, *Phineas Pemberton, Henry Waddey, Peter Groundike, Isaac Weldon, Jonathan Hayes,* and *Robert Clifton,* being the Committee appointed, to draw up and Order for bringing up *John White, &c.* did prepare the same in these Words, *viz.*

The *Freemen in Assembly met at* Philadelphia, *the Tenth* Day *of the* Third Month, Anno Domini, 1689. *To the Sheriff of the County of* Newcastle, *send Greeting.*

Whereas our Proprietary and Governor, by Virtue of the Powers to him given by Letters Patent from King CHARLES *the* Second, *and Deeds of Feofment from* JAMES, *Duke of* York, *&c. did by his Charter of Liberties, amongst other Things, declare, grant, and confirm, unto all the Freemen, Planters, and Adventurers of, in, and to this Province, and Territories thereof That the Freemen aforesaid, in every County, shall yearly choose out of themselves six Persons to serve in Assembly as their Representatives, who shall meet on the tenth Day of the* Third Month *yearly, in order to pass Bills into Laws: As also to impeach Criminals, &c. And whereas it has been resolved, That it is the Privilege of the General Assembly, that any Member thereof, who after due Election is detained in Prison during the Sitting of the said Assembly, shall be brought with his Crimes or Cause to the said Assembly, that thereby they may judge, Whether such Cause or Crime be sufficient to detain such Member from his Attendance, and Service; and that such Members may be sent for by Order of this House. And whereas this House is given to understand, That* John White, *being duly elected one of the Members to serve in this Assembly for the County of* Newcastle, *is detained in Prison, under the Custody of the Sheriff of the said County, from his Attendance in the Assembly; and thereupon he hath supplicated this House to provide fit Remedy for him in that Behalf.*

Therefore it is ordered, That if the aforesaid John White *be detained in Prison, under the Custody of thee the said Sheriff of* Newcastle *County, or any of thy Deputies, that you,*

or some of you have before us immediately the Body of the said John White, *together with the Day and Cause of his taking and detaining, with this Order; That upon View thereof, this House may do in that Behalf, what of Right, and according to Law, Liberty, and Privileges, ought to be done. Dated at* Philadelphia *aforesaid, on the fifteenth Day of the* Third Month. Anno Domini, 1689.

Signed by Consent of the House in open Assembly.

Arthur Cook, *Speaker.*

Memorandum, That *Joseph Fisher, James Sandiland, Edward Blake, Luke Watson,* jun. and *Samuel Gray,* did protest against the foregoing Order, for bringing up of *John White;* but the same protest was not entered and signed as usual.

The Committee of Grievance were ordered to call to their Assistance *Edward Blake, Phineas .Pemberton,* and *Isaac Weldon,* to consider of an Answer to the Speech, or Paper, Number 1. sent from the Governor by *Valentine Hollingsworth,* and *John Swift.*

Whereupon the Speaker by Consent of the House adjourn'd till To-morrow Morning at the tenth Hour.

About that Time a Quorum of the Members came together, but the Speaker being sick, they waved further Proceedings till To-morrow Morning.

About Eleven of the Clock in the Forenoon the Speaker assumes the Chair, and orders the Names of the Members to be called over, which was done by the Clerk.

Whereupon the Committee of Grievances, and their Assistants aforesaid, did bring in an Answer to the said Governor's Speech, or Paper, which remains *verbatim* upon the Files, or Bundles of the Papers of this Assembly, Number 2. which said Answer, this House approves, and orders to be transcribed, and sent to the Governor.

To the Governor in Council;

"We the Freemen of the Province of *Pennsylvania,* and Counties annexed, in Assembly met, having considered thy Paper, read unto us, after Conference among ourselves, do return to thee this our Answer.

As to thy Commission, the Nature and Power of it, with the Instructions sent, or ordered for thy Observation, and the Manner of thy Admittance by those in Authority, is best known to the Persons concerned; but if thou be pleased to

be more express and particular, in Reference to thy Commission and Instructions, it will give us further Satisfaction.

We heartily wish that thy Design in coming hither, with all imaginable Respect to our Governor, and Inhabitants here, may be pursued accordingly, with suitable Measures, and we cannot but have that Opinion of our worthy Governor's tender Regard to the People here, that as he will justify no unbecoming Behaviour in us toward his Representative, so we hope he will vindicate no unlawful or rigid Procedure against us. As to our Governor's Absence, we are very sensible that as it may be to his Disappointment, so it is extremely to our Prejudice. We were in Expectation of receiving Bills from thee and the Council as formerly; to the Reason thou art pleased to give, why none are sent, That the Proprietary and Governor hath given Directions for letting all the Laws drop or fall, and we are credibly informed, that afterwards he was well pleased they should stand; and all the Laws made here since his Departure, were sent for his Perusal, and none of them, to our Knowledge, in the least declared void by him; neither do we conceive that he hath any Reason so to do.

As to the Establishment of Laws, we expected nor aimed at any Sanction than was used in the Governor's Time, but in case Bills had been prepared, and promulgated according to Charter, and had passed by us into Laws, and the Great Seal had been necessary, and the same duly required to be applied to the said Laws, and the Keeper refused the same. then we might justly blame such Refusal: But as to the Way thou mentions, That our Proprietary and Governor is authorized by himself, and with consent of the Freemen, to make Laws; and under his Seal to publish them, and not in the granted Way of the Charter, and *Act of Settlement;* as we don't desire, so our Hopes are, that no Laws of that Make will be imposed upon us. And had we made Laws at this Time, as formerly, we question not but that they had been as inoffensive in the present Conjuncture, as afore. And we do conceive, that our Laws here, not being declared or adjudg'd by the King, under his Privy Seal, to be void, do remain and stand in full Force, according to the true Intent and Meaning thereof.

As for the Charge of Animosities and Dissentions amongst us before thy coming here, it is so general, that we can make no other Answer, than that in Matters of Government, our Apprehensions were otherwise, the End of good Government being Answered, in that Power was supported in Reverence

with the People, and the People were secured from the Abuse of Power; but for what thou mentions to have been renew'd since amongst the Members of Council, we leave them to answer.

As to the Expedient proposed, of thy governing this Province and Territories, by such of the Laws as were made before our Proprietary and Governor went hence, which thou shalt judge not contrary to the Laws of *England*, we conceive no such Expedient can be consistent without the Concurrence of the Council, according to such Methods as have been heretofore used in Legislature, and what Course of Government is otherwise, will be ungrateful and uncertain unto us, for how far the Laws of *England* are to be our Rules, is declared by the King's Letters Patents.

As to thy assuring us, thy just Compliance with us, in what we may reasonably desire, we take it kindly, and do desire that our Members of Council may be permitted to sit, according to our former Request.

We assure thee, That no Mis-information shall influence us, so we desire that neither Passion, Prejudice, or evil Counsel, may prevail, to prevent our present Peace.

We thank thee for thy kind Expression towards us, and Care of us, in case there shall be Occasion to make Application to the Government of *England*, for an Indulgence here: In the mean Time, we do request thy tender Regard to our present just Rights and Privileges, and we shall with Patience submit and reign our Protection to Divine Province, which has hitherto preserved us.

So we rest with hearty Wishes for they Welfare, hoping we shall find thy Ears open to our just Complaints that we shall present before thee and the Council, that our Aggrievances may be redressed, and our Liberties Continued, and we countenanced in the Discharge of our Duty to the Government."

Signed in Behalf of the House, on the 17th Day of the Third Month, 1689.

Arthur Cook, *Speaker.*

John White, one of the Members elected to serve in Assembly for the County of *Newcastle*, being by this House ordered to be brought up by the Sheriff of the said County, who lately had him in Custody (as this House was informed) appeared and tendered his Service; but the Sheriff not sending him up according to the said Order, it was objected, that he ought not to sit in this House, being he had broken Prison (as was

alledged) and after some Debate he was desired to withdraw for the present.

Whereupon the Speaker by Consent of the House adjourns till the fourth Hour this Afternoon.

At which Time the Speaker assumes the Chair, and orders the Names of the Members to be called over, which was done, ———Whereupon the said *John White* presented himself again, and was admitted to sit and Vote.

Upon reading of a Copy or Transcript of this Assembly's Answer aforesaid, to the Governor's said Speech; as also of the Aggrievance against Persons commissionated by the Governor to receive Fines, &c. (*resolved* here on the fifteenth Instant, and *ordered* to be presented)

It is *ordered*, That *Griffith Owen*, *Thomas Duckett*, *John Darby*, *Nicholas Waine*, *John Bartram*, *Valentine Hollingsworth*, and *Joseph Fisher*, shall repair to the Governor and Council, to present the said Answer and Aggrievances, and to know when they would answer the former Aggrievance presented them on the 14th Instant; as also to know when they would sit again, that this House may attend them with more Aggrievances, and Impeachments; which said Members returned with this Answer from the Governor, *viz. That the Governor and Council would consider of what was delivered to them now; but what came hertofore not signed by the Speaker, the Governor said, he would not take Notice of; and they would not sit again till next Second Day, at the usual Time.*

Whereas *Richard Reynolds*, of the County of *Newcastle*, did in the Presence of several Members of this House, apprehend and take *John White*, one of the Members of Assembly, and detained him in his Custody, to the Contempt of the Dignity of this House:

Whereupon the Question being put, Whether it is a Breach of the Privileges of Assembly, to arrest or apprehend any Member, or Attendant thereof, during the Time of the Sitting of Assembly, except for Treason or Felony, or not? *Resolved in the Affirmative*, N. C. D.

The Speaker, by Consent of the House, adjourns till Tomorrow Morning at Seven of the Clock.

At which Time the Speaker assumes the Chair, and orders the Names of the Members to be called over, which was done accordingly.

Whereupon appeared all the Members, excepting *John White*, who was apprehended about Ten of the Clock last Night, by *John Claypoole*, Sheriff of the County of *Philadelphia*, who,

by Colour of a Warrant, signed by *Griffith Jones*, and *Robert Turner*, broke open a Chamber-door, where the said *John White* was going to Bed, at *Benjamin Chamber's* House, and so carried the said Member away, as appears by Information of *Samuel Levis*, and *Deniel Brown*, (two of the Members of this House) and divers other credible Persons. And also excepting *Joseph Fisher*, of *Philadelphia* County; *John Darby*, *Edward Blake*, and *Richard Mankin*, of *Newcastle* County (who refuse to appear, tho' they were requested by *Thomas Duckett*, and *Thomas Paschall*, being sent by the Speaker for the said absent Members) And also excepting *Jonathan Bailey*, of *Sussex* County, who hath not appeared at all in this Assembly; as also excepting all the rest of the Members of *Sussex* County. And *James Sandiland*, of *Chester* County, who refuse to yield their Attendance at this Sitting, being requested as aforesaid. Nevertheless the Residue of the Members of this Assembly that did appear, and are now present, drew up this following Aggrievance, *viz.*

To the Governor and Council.

We the Freemen of the Province of Pennsylvania, *and Territories annexed, do present this our Aggrievance, That* John White, *being duly chosen a Representative of this Assembly, having Yesterday presented himself, gives us to understand, that for some Time he had been under Custody of the Sheriff of* Newcastle *County, who having left him at large, he came to give his Attendance here; and we conceiving, that if he had made any Escape, we should have Notice thereof, thought not fit to exclude him; until something of that Nature appeared; and tho' he was received as a Member to sit in this House, yet he was with Rudeness arrested and seized by one* Richard Reynolds, *who we conceive to be no attested Officer, and declared before us, that he was no Sheriff, nor Under-Sheriff: Whereupon the Speaker of the Assembly sent to the said* Reynolds, *requiring him to permit him his Liberty during his Service, and we would see him forth-coming; and further, several Members of Assembly offered themselves to be bound for his Appearance, but all Bail was refused; which Proceedings were voted amongst us to be a Violation of our Privileges, and Breach of our Rights.*

And again (as we are informed) last Night, about Ten of the Clock, his Chamber Door was broken open by John Claypoole, *Sheriff of this County, and violently hauled away out of his Lodgings, tho' it was told him, he was a Member of*

Assembly, and therefore a privileg'd Person, excepting in Cases of Treason, Murder, or Felony, and none of these, as we are informed, are laid to his Charge: Therefore this our Member being thus contemptuously used in the Assembly-time, the Rights, Freedoms and Liberties of every Freeman broken down, slighted and trodden under Foot, we hope the Wisdom and Care of the Governor and Council, will, with as much Speed as Justice, Express their just Resentments against such Disorders, and Cause Justice to flow. And that the said John White *may receive his Trial according to Law.*

Signed in Behalf of the House, this 18th Day of the *Third Month*, 1689.

Arthur Cook, *Speaker.*

Which last aforegoing Aggrievance is ordered by the Speaker and present Members, to be presented to the Governor and Council.

Upon which the Speaker's Indisposition continuing upon him, the next Sitting was deferred 'till the twentieth Day of this Instant.

At which Time *Arthur Cook*, Speaker of the Assembly, *Henry Waddey, Griffith Owen, Thomas Duckett, Phineas Pemberton, Samuel Levis, Thomas Paschall, Valentine Hollingsworth, Edmund Bennet, Richard Mankin, Michael Blunston, Daniel Jones, William Berry, William Manlow, John Walker, Abraham Updegrave, Isaac Weldon, Robert Piles, John Bartram, and John Swift*, Members of Assembly, appeared. But because it has been urged and objected, That there is not here present a sufficient Number of Members to make a Quorum, according to Charter and Law. (the rest of the Members absenting themselves as aforesaid) and the said Members present deeply resenting the Abuses and Violations done and offered, not only to themselves, but to all the Freemen within this Government, as well by undue Arrests and Procedures of some Justices and Sheriffs, as also that abominabel Treachery and Practice of the said absent Members, in wilfully neglecting to appear at this Time, when they understood that this House were going about to call the Violators of the Liberties of the Freemen of this Government to Account, though the said Absenters were present when the Assembly came to the abovesaid Resolves against such Violations as abovesaid: Therefore the said Members present, came to these following Resolves, *to wit.*

First, That *William Markam, Robert Turner*, and *Griffith Jones*, who issued forth their Warrant or Warrants against

John White, Member of Assembly; and that *John Claypoole*, and *Richard Reynolds*, who, by Colour of such Warrant or Warrants, arrested and carried him away; as also the said *John Claypoole*, who, without any Warrant orWrit during the Sitting of this Assembly, did arrest *David Lloyd*, knowing him to be employ'd as Clerk of this Assembly; are, and every of them is therefore reputed Violators of the Priveleges of the Assembly, and Betrayers of the Liberties of the Freemen of this Province, and Territories: And that they the said Violators, ought to be made uncapable of bearing any publick Office, or place of Trust in this Government. And that a Warrant be made out, and signed by the Speaker, directed to all high and petty Constables, for bringing the said Delinquents before this House, to answer their Contempt and Breach of Privilege aforesaid.

Secondly, That the Printing of the last Charter of Liberties, is beneficial to the Publick, and warrantable by Law.

Thirdly, That the said Absent Members ought not to receive any Salary for their Service this Assembly; and are not worthy to be chose again, or be intrusted as Delegates, who acted so destructive to the People's Liberties, and Privileges. To the Governor and Council, Sitting at *Philadelphia*, the

Twentieth Day of the *Third Month*, 1689.

We the Representatives of the Freemen of Pennsylvania, *and Territories thereof, in Assembly met, being much disappointed in our Expectation in not finding any Bills prepared and promulgated by you for a further Concurrence: And perceiving three Members duly elected to serve in Council (in whose Wisdom and Faithfulness we much confide) too long kept out: And that a Member of our own, is treated with great Rigour and Severity in the Time of Assembly, and not allowed to be with us, though most of us have known him to have been serviceable therein these several Years: We (being under a Strait in these Considerations) do request your tender Regard of our Grievances already presented, and of our Answer presented to the Governor in Council, to his Speech delivered to us there; and we do desire, you do not go to desmiss us until we are received, and righted in our just Complaints: And that we be not discouraged in charging before the Provincial Council, such Persons or Members whom we can with great Probability make appear to be ill Ministers, and chief Authors of the present Arbitrariness in Government; and who are Men unworthy, as we conceive, to be much consulted with, and un-*

fit to be chief Magistrates. What we purpose to do herein, shall be orderly, Speedy, and within Bounds.

We the Freemen in Assembly met this sevententh Day of the Third Month, 1689, *do present, That this Assembly here for several Days, and have sent several Messengers to the Governor and Council, appointed to consider with the Members of Assembly according to Charter. And whereas the said Messengers have given this House to understand, that they were answered by the Governor, That there was not a full Council, to receive them. And whereas this House being well assured, that there is, and has been for these several Days last past, a competent Number of Members in Town, ready to yield their Attendance; yet several of the said Members have not been hitherto permitted to sit in Council, to the great Detriment and Grievance of the Country: Therefore we desire, that these our Grievances may be speedily redressed, and our Liberties and Privileges inviolably preserved.*

Signed in Behalf of the House,

Arthur Cook, *Speaker.*

Pennsylvania, 31st of the *Third Month,* 1700.

Vide the Minutes of Provincial Council and Assembly of this Date, wherein by an unanimous Vote of both the Votes and Resolves of this Assembly of the 19th (it should be 20th) of the Third Month, 1699, (it should be 1689.) *And the Sentences passed thereupon against* Robert Turner, *and* Joseph Fisher, *therein respectively named, are, for the Reasons therein contained, vacated, declared, void, null, and of no Force nor Effect, to all Intents, Constructions, and Purposes, as if the same had never been made, so far as Concerns the said* Robert Turner, *and* Joseph Fisher, *respectively.*

Signed by Order of the Governor and Council, and Assembly, by

Patrick Robinson, *Secretary.*

At an ASSEMBLY, *held at* NEWCASTLE, *the Tenth Day of the* THIRD MONTH, 1690.

A list of the Representatives to serve in this Assembly, signed by Secretary Markham, was read, whereby it appears

that the Persons hereunder named, were elected to serve this Year in Assembly, *viz.*

Philadelphia.	Chester.	Kent.
William Salway,	*John Bristow,*	*John Barnes,*
Humphrey Morrey,	*William Jenkin,*	*John Betts,*
Thomas Fitzwater,	*Robert Pile,*	*Daniel Brown,*
Charles Pickering,	*Joshua Fern,*	*Ezekial Needham,*
Paul Saunders,	*George Maris,*	*Richard Curtis,*
Abraham Updegrave.	*Caleb Pusey.*	*William Freeland.*

Bucks.	Newcastle.	Sussex.
Joseph Growdon, Speaker,	*Edward Blake,*	*John Hill.*
Henry Poynter,	*Henry Williams,*	*Samuel Gray.*
Richard Hough,	*Richard Halwell.*	*Robert Clifton.*
Henry Baker,	*John Darby,*	*Henry Smith.*
Edmund Bennet,	*William Grant,*	*Baptist Newcombe.*
John Cook.	*John Donaldson.*	*Thomas Branscon.*

Whereupon the Members of the House being met as above, proceeded to choose their Speaker. *Joseph Growdon,* of *Bucks* County, being, by major Vote, chosen by the Ballot Speaker, was desired to take the Chair (being attended thereto) which accordingly he did.

Whereupon the Speaker, by Consent of the House, adjourns till the eighth Hour in the Morning of the next Second-day.

At which Time the Assembly met, and the Names of the Members were called over, who appeared all, except *William Salway, Joshua Fern, Henry Smith,* and *John Betts,* upon which they proceeded to choose their Clerk, and named *David Lloyd,* who was chosen accordingly.

George Moore was appointed Door-keeper, or Messenger, during this Sessions.

The Speaker, by Consent of the House, adjourn'd till Three of the Clock this Afternoon.

At which Time the Speaker assumed the Chair, and orders the Names of the Members to be called over, which was done by the Clerk.

Whereupon it was *Ordered,* That *Edward Blake,* and *Caleb Pusey,* two of the Members of this House, repair to see if there was Members of Council enough met, to represent the Governor; who returned Answer, as follows, That the Council will be ready to receive what the Assembly have to propose, within a Quarter of an Hour.

The former Orders of Assembly were read, whereupon it is unanimously agreed and assented to by all the Members present, That the same shall be by them duly observed and performed, N. C. D.

Whereupon it is *Ordered*, That *William Salway*, *Edward Blake*, *John Bristow*, *William Freeland*, *Richard Hough*, and *John Hill*, be a Committee, for drawing up a Declaration before To-morrow Morning for the Members of Assembly to sign unto.

The House is adjourn'd for Half an Hour, in order to go in a Body to the Council, to present the Speaker.

At which Time the Speaker and Members return, their Names being called over.———The Speaker, by Consent of the House, adjourns till the eighth Hour To-morrow Morning.

At which Time the Speaker assumes the Chair, and orders the Members Names to be called over, which was done.

Whereupon appeared all the said Members, except the above Committee, and *Joshua Fern*, for *Chester* County, who is sick.

Upon which it is put to the Question, Whether *Henry Smith* shall be fined for his Absence? *Carried in the Negative.*

Q. Whether *John Betts* shall be fined for two Days Absence from Assembly? *Carried in the Affirmative.* And moderated to a *Shilling*, by general Consent of the House.

O. Whether *William Salway* shall be fined for two Days Absence from Assembly? But he acknowledging his Fault, the House moderated the Fine to *Two Shillings.*

Robert Piles, and *Richard Curtis* were sent to the Council, to bring the rest of the promulgated Bills; who bring the same into the Assembly.

Quere, Whether the Minutes of the last Assembly be *carried in the Affirmative?*

Whereupon a Debate did arise concerning the Votes of the twenty Members of last Year, which, by general Consent of the House, is suspended for the present; and so proceed to vote, draw up and subscribe a Declaration of Allegiance to the King and Queen, and Fidelity to the Governor; which was voted for, and subscribed accordingly, and order'd to be filed.

Adjourn'd till Three of the Clock in the Afternoon.

At which Time the Speaker assumes the Chair, and orders the Members to be called over, which was done.

Whereupon, by Order of the House, all the promulgated Bills were read over the first Time.

The Bill, Number 1. was read the second Time.———Upon debating the same, the House resolves itself into a Grand Com-

mittee, who appointed *Edward Blake* to be Chairman; and about an Hour after the Speaker Assumes the Chair. Whereupon *Edward Blake* produceth some Amendment to be made of the said Bill.

Ordered, That *Henry Baker*, *Charles Pickering*, *Caleb Pusey*, *Edward Blake*, *John Hill* and *John Betts*, be a Committee to consider what Laws are fit to determine twenty Days after rising of the next General Assembly, and what Laws may be continued till Publication of other Laws.

The Bill, Number 2. was read a second Time.———Whereupon it was put to the Question, Whether the same Bill shall be pass'd into a Law? *Resolved in the Affirmative*, N. C. D.

Also it is put to the Question, Whether the Words in the Forty-second Law, concerning Bargains and Agreements, *&c.* shall be repealed? *Resolved in the Negative*, N. C. D.

Also it is put to the Question, Whether the Clause in the Hundred and Fifty-fifth Law, impowering each County Court to be a Court of Equity, *&c.* shall be repealed? *Resolved in the Affirmative*, N. C. D.

Put to the Question, Whether the Clause of Forfeiture, mentioned in the Law of registering the Names of Freemen, *&c.* shall be repealed? *Resolved in the Affirmative, N. C. D.*

Put to the Question, Whether the Clause in the Eighty-fifth Law, concerning the killing of Wolves, as is mentioned in this Bill, shall be passed into a Law? *Resolved in the Affirmative*, N. C. D.

The Bills, Number 4, and 5. were read a second Time, and put to the Vote, Whether they shall be passed into Laws? *Resolved in the Affirmative.*

Adjourn'd till the seventh Hour To-morrow Morning.

At which Time the Speaker assumes the Chair, and orders the Names of the Members to be called over, which was done.

Whereupon the Bill, Number 6. about Ferries, was read a second Time, and put to the Vote, Whether the same Bill shall be pass'd into a Law? *Resolved in the Affirmative*, with Amendments.

The Amendments being drawn and fixed to the Bill, was put to the Vote, Whether the same Amendments should be proposed to be added to the said Bill? *Resolved in the Affirmative.* N. C. D.

The Bill, Number 7, about Allowances for Council and Assembly Members, was read a second Time.———Debated and put to the Vote, Whether it shall pass into a Law? *Resolved in the Affirmative*, N. C. D.

The Bill, Number 8. relating to Provincial Courts, *&c.* was read a second Time, and debated.———Whereupon it is *resolved* that these following Amendments be made, *to wit*, That the Words *(Provincial Council)* shall be added next after *(the Governor)* in the twelfth Line, and that a Clause may be added.———That Justices, Sheriffs, and other Officers and Jurors, shall pay due Attendance to the said Judges during the Continuance of such Courts, and this Clause be added in the fifth Line:———*Which County Court shall be a Court of Equity as well as Law, for the hearing and decreeing all Matters and Causes cognizable in the said Court, under* Ten Pounds.———And that a Clause be added in the ninth Line, thus———*Provided the Debt or Damage in the said Judgment, be above* Ten Pounds *or* upwards.———And that there be added this Clause next after the Word *(Occasion)* in the sixteenth Line, *viz. That there be Notice given of which Occasion, by the respective Justices of the County Courts of such Appeals, where the same are so granted as aforesaid; and that a Transcript or Copy of all the said Courts Proceedings in such Cause, shall be sent inclosed under the Clerk's Hand, and County Seal, directed to the Governor and Council, within, Weeks next after such respective Appeals are granted by the said County Courts. And that the circular Courts, shall begin on the seventh of the* Eighth Month, *and Twenty-first of the* Second Month *yearly, in* Sussex *County; and on the fourteenth of the* Eighth Month, *and Twenty-ninth of the* Second Month *yearly, in* Kent *County; and on the Twenty-first of the* Eighth Month, *and Sixth of the of the* Third Month *yearly, in* Newcastle *County; and on the Twenty-seventh of the* Eight Month, *and twelfth of the* Second Month *yearly, in* Chester *County; and on the Third of the* Ninth Month, *and Eighteenth of the* Third Month *yearly,* in Bucks *County;* which Amendements and Addition, are voted to be inserted in the said Bill, N. C. D.

The Bill, Number 9. relating to *Newcastle* Foot-dike, was read, and debated; and put to the Vote, Whether the said Bill shall pass into a Law with the Words *(Hundred of Newcastle)* added in the sixth and eigth Lines? *Resolved in the Affirmative*, N. C. D.

Adjourn'd till three a Clock this Afternoon.

At which Time the Speaker assumes the Chair, and orders the Names of the Members to be called over, which was accordingly done.

Whereupon the Bill, Number 10. relating to Rangers, was read.———Whereupon it is put to the Vote, Whether the said

Bill shall be pass'd into a Law? And *resolved in the Affirmative*, N. C. D. with the Alterations annexed, it shall pass into a Law.

The Bill, Number 11. was read, a second Time, and put to the Vote, Whether the said Bill shall pass into a Law? *Resolved in the Negative*, N. C. D.

The Bill, Number 12. was read a second Time, relating to Customs upon Skins, and put to the Vote, Whether the said Bill shall pass into a Law? *Resolved in the Negative*, N. C. D.

The Bill, Number 13. against Attorneys, was read a second Time, and put to the Vote, Whether this Bill shall pass into a Law? *Resolved in the Nagative.*

The Bill, Number 14. was read a second Time, and put to tht Vote, Whether this Bill shall pass into a Law? *Resolved in the Affirmative, N. C. D.* That this said Bill shall pass into a Law, with the Additions fix'd thereto; and to be inserted between the eigth and ninth Lines of the said Bill.

The Bill, Number 15. relating to Registry in Meeting Books, *&c.* was read the second Time, put to the Vote, and *resolved in the Affirmative*, N. C. D.

The Bill, Number 16. relating to Hogs, *&c.* was read a second Time, and put to the Vote, Whether it shall pass into a Law? *Resolved in the Affirmative.*

The Bill, Number 17. relating to Surveyors, *&c.* was read the second Time, and put to the Vote, Whether it shall pass into a Law? *Resolved in the Affirmative*, with the Addition of the Word, *(Philadelphia)* in the last Line but two in the said Bill.

Resolved, That the same Committee, who were appointed the thirteenth Instant, to make Inspection into the first promulgated Bill, Number 1. shall be assisted by *William Salway*, and *Paul Saunders*, to meet a Committee of the Council, in order to consider and confer about the Amendments, Additions, Alterations, in the abovesaid promulgated Bills.

Whereas Capt. *Markham*, *Robert Turner*, and *Griffith Jones*, exhibited a Petition, setting forth, *That there are several Votes pass'd against them in the last Assembly that sat at* Philadelphia, *and request Copies thereof, and to be brought to their Trial*, Whereupon *it is Ordered*, That the Clerk of this Assembly draw out a Copy of the Resolves that concern the said Petitioners; and that *John Bristow*, one of the Members of this House, deliver the same to Capt. *Markham* this night; and also acquaint him, that if he has any Thing fur-

ther to move for his Trial, he may attend this House To-morrow Morning in order to have an Answer therein.

Adjourn'd till Nine in the Morning.

At which Time the Speaker assumes the Chair, and orders the Members Names to be called over, which was done. Whereupon appeared all the Members, except *John Donaldson.*

Adjourn'd till Five in the Afternoon.

At which Time the Speaker assumes the Chair, and orders the Members Names to be called over, which was done.

Whereupon the Petition of *James Claypoole* was read, and put to the Vote, Whether *James* and *John Claypoole*, shall have *Three Pounds, Twelve Shillings*, in Silver, for the Book, wherein the Minutes of Assembly are written, and for transscribing the same, to be paid out of the first Money as shall be levied or raised in every respective County of this Government; provided the said Minutes be examined with the Original, out of which they were transcribed? *Resolved in the Affirmative*, N. C. D. And that *William Salway*, Member for *Philadelphia* County; *Edmund Bennet*, for *Bucks* County; *John Bristow*, for *Chester* County; *Edward Blake*, for *Newcastle* County; *William Freeland*, for *Kent* County; and *John Hill*, for *Sussex* County; shall pay the said Money, when the same is levied as aforesaid in every respective County.

Adjourn'd till the seventh Hour To-morrow Morning.

At which Time the Speaker assemed the Chair, and orders the Members Names to be called over, which was done; and immediately adjourn'd for a Quarter of an Hour, in order to meet the President and Council, for passing and perfecting of the promulgated Bills, which was done accordingly. And about the Time appointed the Speaker assumes the Chair, and orders the Names of the Members to be called over, which was done.

Whereupon *Samuel Atkin's* Petition or Complaint against *William Clark*, was read, and answered unanimously, That the Complainant may take his Remedy at Law, in the proper County, against the said *William Clark.*

Q. Whether it is a Breach of the Privileges of the free People of the Province and Territories, for any Member, duly elected to serve as a Member of Council or Assembly, to be arrested or detained in Prison, upon any Account or Charge whatsoever, except for Treason, Murder, or Felony, or some heinous or enormous Crimes, during the Session of the Council and Assembly; and that from henceforth, none presume to break these Privileges? *Resolved in the Affirmative*, N. C. D.

Adjourn'd for an Hour and an Half.

At which Time the Speaker assumes the Chair, and orders the Members Names to be called over, which was done.

Whereupon *John White's* Petition against *Edward Gibbs*, Sheriff of *Newcastle* County, was read, and, after some Debate, it was unanimously agreed by the House, That this Matter, together with all Things relating thereto, shall be continued until, and referred unto the Consideration of the next Assembly; or till Governor PENN'S Arrival to this Government, which shall first happen; so that all Persons concerned may accordingly make their Appearance, to prosecute and defend the same, if they see meet.

Q. Whether it be not a Breach of Duty, tending to the Violation of the Privileges of Assembly, for any Member or Members of Assembly, who have taken his or their Places, or acted in Assembly, to depart from, or wilfully neglect to appear in Assembly during the Continuance thereof, without the Consent of the House, or Dismiss of the Governor, according to Charter. *Resolved in the Affirmative*, N. C. D.

Another Petition of *Samuel Atkins*, against *William Clark*, was read, and ordered as the former Petition.

Ordered, That *John Hill* and *Henry Poynter*, be sent to the President and Council, to see it if they have any Thing more to propose.

Adjourn'd for an Hour.

At which Time the Speaker assumes the Chair, and orders the Members to be called over, which was done.

Whereupon it is unanimously agreed, That Copies of the Minutes of this Assembly shall be made out by the Clerk, and delivered to the Upper County Members. And afterwards, that the same Minutes shall, at three Months End, be delivered to *Richard Halwell* one of the Members of *Newcastle* County, to be by him safely kept, until the next Sitting of Assembly; and then and there to be brought in by him the said *Richard Halwell*.———But it is agreed also, That the Upper County Members may transcribe the said Minutes themselves, to have Charges to the respective Counties.

This House is adjourn'd to the Council-Room, in order to receive a Dismiss for this Time.*

*The whole Minutes of the Proceedings of the Assembly for the Year 1691. are wanting in the Assembly's Records.

At an ASSEMBLY, *held at* Philadelphia, *the Tenth Day of the* THIRD MONTH, 1692.

The Members elected.

Philadelphia.	Chester.	Bucks.
Samuel Richardson,	*Philip Roman,*	*John Swift,*
John Holmes,	*George Maris,*	*John Otter,*
William Salway,	*Bartholomew Coppock,*	*Joshua Hoops,*
Lasse Cock,	*Robert Piles,*	*William Paxon,*
John White,	*Caleb Pusey,*	*Nicholas Waine,*
Abraham Updegrave.	*Thomas Withers.*	*John Rowland.*

Newcastle.	Kent.	Sussex
John Darby,	*William Freeland,*	*William Clark,* Speaker.
John Donaldson,	*Daniel Jones,*	*Robert Clifton,*
Joseph England,	*Simon Irons,*	*Baptist Newcomb,*
John Grubb,	*John Barnes,*	*Luke Watson,* jun.
Robert Ashdon,	*George Manloe,*	*Thomas Branscon,*
Edward Blake.	*William Manloe.*	*William Piles,*

The Members of the House, being met, proceed to choose their Speaker.———*William Clark*, of the County of Sussex, being by major Vote chosen by the Ballot Speaker, was desir'd to take the Chair (being attended thereto) which accordingly he did.

The Choice of Clerk referred till To-morrow Morning.

Adjourn'd till To-morrow Morning.

About which Time appointed the House met. The Speaker assumed the Chair, orders the Names of the Members to be called over, which was done; all appearing except *Daniel Jones* and *Simon Irons.*

Whereupon it was put to the Question, Whether such Members as shall be absent when their Names are called over by the Clerk at the Time appointed, shall for every such Default be fined *One Shilling* and *Six-pence? Carried in the Affirmative.*

Simon Irons, for Non-appearance fin'd *One Shilling* and *Six-pence.*

Q. Whether *Simon Irons* should be fined *Five Shillings*, for being disordered with Drink? *Carried in the Affirmative.*

William Alloway was chosen Clerk of this Sessions, and *Charles Ware* was appointed for Messenger, or Door-keeper.

Some of the Inhabitants of the Town and County of *Phila-*

delphia, presented a printed Paper to this House, desiring it might be read; the Speaker answered, They would consider it.

The House adjourned to the Council-Room to present their Speaker.———The Speaker and Members returning, ordered their Names to be called over, which was done.

Whereupon *William Salway*, and *Robert Ashdon*, were ordered to go to the Council, to desire a Copy of Part of a Letter read by them from the Proprietary: They returning, brought the said Copy.

Adjourn'd till the third Hour in the Afternoon.

At which Time appointed the Speaker assumes the Chair, orders the Names of the Members to be called over, which was done, all appearing excepting *Daniel Jones*.

Whereupon the Bill, Number 1. was read the first Time, and *Edward Blake, John White, Caleb Pusey, William Freeland, William Salway, Nicholas Waine, Baptist Newcomb, George Maris, John Swift*, and *John Barnes*, were the Committee appointed to consider, amend, or alter the said Bill, and what Laws they thought fit.

Adjourn'd till To-morrow, the third Hour in the Afternoon.

About the Time appointed the Speaker assumes Chair, orders the Members Names to be called over, which was done, all appearing only *Daniel Jones*.

The Committee returned.———Whereupon the Bill, Number 1. was read over a second Time:

Put to the Question, Whether it should be passed with the Amendments proposed by the Committee, except the Law concerning the Price of Beer? *Carried in the Affirmative.*

The Bill, Number 15. concerning selling Rum to the *Indians*, being put to the Question, Whether it should be repealed? *Carried in the Affirmative.*

The Bill, Number 20, concerning Rioters; put to the Question, Whether it should pass with these Amendments after the Words *(and be convicted thereof, shall suffer Imprisonment, and be fined according to the Quantity and Quality of the Fact, to the Use of the ministring Governor for the Time being)* and the rest to be left out? *Carried in the Affirmative.*

The Bill, Number 24. concerning Assault, and Battery, next to the Words *(and shall be)* fined according to the Nature and Circumstance of the Fact, to the Use of the ministring Governor for the Time being; it being put to the Question, Whether it should pass with the aforesaid Amendments? *Carried in the Affirmative*, N. C. D.

The Bill, Number 30. concerning scandalous Reports of false

News; being put to the Question, Whether it should pass with this Amendment next the Words *(be convicted thereof)* be fined to the Use of the ministring Governor for the Time being? *Carried in the Affirmative.*

The Bill, Number 33. concerning the Price of Beer and Ale; being put to the Question, Whether it should pass? *carried in the Negative.*

The Bill, Number 34. concerning Weights and Measures; it being put to the Question, Whether it should pass with this Amendment, that at the End of this present Law be added *(if any Person sell by less or other than* Winchester *Weights or Measures, shall be fined* Twenty Shillings *for every Offence, and their Weights and Measures broken) carried in the Affirmative,* N.C.D.

The Bill, Number 43. concerning Bargains by Evidence, Forfeit Double; it being put to the Question, Whether it should be continued? *carried in the Affirmative.*

The Bill, Number 45. concerning registering Servants; it being put to the Question, Whether it should be repealed? *carried in the Affirmative.*

The Bill, Number 49, concerning Factors and Correspondents; put to the Question, Whether it should pass with this Amendment, the Words *(Committee of Trade)* be left out, and *(Register General)* in Place thereof? *carried in the Affirmative,* N.C.D.

The Bill, Number 51. concerning Land liable to pay Debts; put to the Question, Whether is should be repealed? *carried in the Affirmative.*

The Bill, Number 56. concerning the Informer to have One Third of the Fine, relating to the Punishment of Offenders of divers Sorts; it being put to the Question, Whether it should pass with this Amendment next the Words *(the two Punishments he will inflict on the Person offending)* be added *(and the whole Fines to the Use of the ministring Governor for the Time being)* the rest to be repealed? *carried in the Affirmative,* N.C.D.

The Bill, Number 71. concerning Forfeits *Five Pounds,* that proves not his Actions; it being put to the Question, Whether it should pass with the Word *(Debt)* left out? *carried in the Affirmative,* N.C.D.

The Bill, Number 75. concerning Barretors, next the Word, *(Fines)* shall be added *(to the Use of the ministring Governor for the Time being)* it being put to the Question, Whether it should pass with the Amendment? *carried in the Affirmative,* N.C.D.

The Bill, Number 85. concerning Cow-calves; it being put to the Question, Whether is should be repealed? *carried in the Affirmative,* N.C.D.

The Bill, Number 87. concerning marking Horses and Cattle; it being put to the Question, Whether is should be repealed? *carried in the Affirmative,* N.C.D.

The Bill, Number 98. concerning Custom on Hides; it being put to the Question, Whether it should be repealed? *carried in the Affirmative,* N.C.D.

The Bill, Number 104. concerning Hemp and Flax; it being put to the Question, Whether it should pass with this Amendment *(the Price left out)* the rest to continue? *carried in the Affirmative,* N.C.D.

The Bill, Number 116. concerning Neglect of Counsellors giving their Attendance; it being put to the Question, Whether it should pass with these Amendments next to the Words *(for every Day's Neglect)* be added *(to be adjudg'd and disposed of as the Provincial Council or Assembly shall see meet, in their respective Houses, against any of their respecting Offending Members)* the rest of the Law to continue, and an Order signed by the Governor or President of Council, or Speaker of Assembly, shall be sufficient Warrant to the Sheriff to levy the said Fines, who is hereby required to execute the same? *carried in the Affirmative,* N.C.D. one Member only excepted.

The Bill, Number 144. concerning what of Country Growth shall pass for Money; it being put to the Question, Whether it should pass with this Addition *(provided every Person pay in the same Specie agreed for)* at the End of the Law? *carried in the Affirmative.*

The Bill, Number 151. concerning Accounts to be made up once in a year; it being put to the Question, Whether it should be repealed? *carried in the Affirmative,* N.C.D.

The Bill, Number 164. concerning stealing live or dead Goods; it being put to the Question, Whether it should be referred to the promulgated Bill? *carried in the Affirmative.*

The Bill, Number 170. concerning Deer-skins exposed to Sale; put to the Question, Whether it should be repealed? *carried in the Affirmative.*

The Bill, Number 172. concerning Intestates; put to the Question, Whether it should pass with this Amendment *(that all the Estate shall go to the Parents; but if no Parents,——as followeth in the Law) carried in the Affirmative.*

Chap. 109. concerning *how the Estates of any Person shall be*

disposed of at his Death: Put to the Question, Whether it should be continued? *carried in the Affirmative.*

Chap. 5. concerning *Speaking loosely or prophanely of Almighty God, and Christ Jesus, &c.* Put to the Question, Whether it should pass with Amendment after the Words *(is legally convicted thereof, shall for every such Offence, pay* Twenty Shilling, *not less) carried in the Affirmative,* N.C.D.

Chap. 7. concerning *Adultery*: Put to the Question, Whether it should pass with this Addition of the Words *(or fined)* after the Word *(Imprisonment) carried in the Affirmative,* N.C.D.

Chap. 9. concerning the *Sin of Sodomy*: Put to the Question, Whether it should pass with this Amendment *(Confiscation of Goods, or Banishment) carried in the Affirmative,* N.C.D.

Chap 11. concerning *a Man having two Wives:* Put to the Question, Whether it should pass with this Amendment to be added *(within seven Years, and knowing the first to be alive.) carried in the Affirmative,* N.C.D.

Chap. 19. concerning *Forcible Entries:* Put to the Question, Whether it should pass with this Amendment *(fined for the Use of the ministring Governor for the Time being) carried in the Affirmative.*

Chap. 29. concerning *speaking slightingly, or carrying themselves abusively against Magistrates:* Put to the Question, Whether it should pass, compared with the fifth Law, *the Punishment to not less than* Five Shillings; *carried in the Affirmative,* N.C.D.

Chap. 45. concerning *Wills:* Put to the Question, Whether it should pass with this Amendment, the Words, *(Forty Days)* be left out *(six Months)* in Place? *carried in the Affirmative,* N.C.D.

Chap. 57. concerning *Persons fit to be chosen to enact Laws:* Put to the Question, Whether it should pass with this Amendment, the Words, *(if lawfully required) be added? carried in the Affirmative,* N.C.D.

Chap. 65. concerning *Peace-makers:* Put to the Question, Whether it be in Practice? *carried in the Negative.*

Chap. 66. concerning *appearing after their own Manner, and serving Summons*: Put to the Question, Whether it should pass with this Amendment *(The Copy be delivered him, or her, or left with some Person belonging to the House) carried in the Affirmative,* N.C.D.

Chap. 69. concerning putting Papers into a Hat: Put to the

Question, Whether it should be repealed? carried in the Affirmative, N.C.D.

Chap. 73. concerning *Appeals:* Put to the Question, Whether if not rightly explained, hinder Appeals? *carried in the Affirmative.*

Chap. 84. concerning *Counterfeiting the Privy Seal, or Seal of the Province*: Put to the Question, Whether it should pass with Amendments *(be fined according to the Discretion of the Provincial Court)* in Place of *(Governor) carried in the Affirmative.*

Chap. 114. concerning *the Governor's being dispappointed of true and speedy Information:* Put to the Question, Whether it should pass with this Amendment, after *(every Hours)* be added *(wilfully) carried in the Affirmative.*

Chap. 116. concerning *Allegiance to the King, and Fidelity to the Governor:* Put to the Question, Whether it should pass with this Amendment, the Words *(Obedience to the Laws)* to be left out, and *(to give Security for the good Behaviour, or Imprisonment until done)* put in? *carried in the Affirmative.*

Chap. 131. concerning *Entering and Clearing of Vessels*: Put to the Question, Whether it should be referred to the Book of Rates? *carried in the Affirmative.*

Chap. 140. concerning *Servants:* Put to the Question, Whether all Servants shall have, what is called, *The Custom of the Country*, except the Indentures expresly restrain it to be paid by the last Master: And if under sixteen Years old, to serve while Twenty-one Years? *carried in the Affirmative.*———— Whether Custom shall be two Suits of Apparel, ten Bushels of Wheat, or fifteen Bushels *Indian* Corn, one Axe, two Hoes? *carried in the Affirmative.*

Chap. 158. concerning *the Attending of one Third of the Council on the Governor*: Put to the Question, Whether it should be repealed? *carried in the Affirmative,* N.C.D.

Chap. 167. concerning *selling Strong Beer:* Put to the Question, Whether it should pass with this Amendment *(Provided all Ordinaries sell good strong Malt Beer at* Three-pence *the* Winchester *Quart, they may sell any other double Beer without Restriction of Price) carried in the Affirmative.*

Concerning *Appraisements*: Put to the Question, Whether it should pass with this Amendment *(The Creditor shall take the Goods as appraisel, if at the publick Sale they will not advance to more) carried in the Affirmative,* N.C.D. one Member only excepted.

Concerning *Freemen being summoned on Juries:* Put to the

Question, Whether it should pass with this Amendment, at the End of the Law be added *(which Fines shall be duly and speedily levied, to quicken* the Dispatch of Business, and to prevent the Burdening other *Freeholders) carried in the Affirmative.*

Adjourn'd till To-morrow, at the eighth Hour.

At which Time appointed the Speaker assumes the Chair, and orders the Names of the Members to be called over, which being done, orders Yesterday's Minutes to be read over.

The Bill, Number 1. read over the second Time; after Debate, *passed in the Affirmative*, N.C.D. with Amendments.

The Bill, Number 2. read over the second Time; *passed*, with Amendments.

Araham Updegrave, departing without Leave of the House, fined *One Shilling* and *Six-pence.*

The Bill, Number 3. was read over the first Time.

Whereupon *William Clark*, Speaker, *John White, Edward Blake, Nicholas Walne, William Salway, George Maris*, and *Simon Irons*, are a Committee chosen by Consent of this House, to consider, amend, or alter the said Bill, Number 3.

The Bill, Number 4. read over the first Time; *passed in the Affirmative*, N.C.D.

The Bill, Number 5. read over the first Time; being put to the Question, Whether it should pass? *carried in the Negative*, N.C.D.

The printed Paper presented by the Inhabitants and Freemen of this Province; being put to the Question, Whether it should be read? *carried in the Affirmative.*

A Paper, presented to this House from the Inhabitants of the County of *Chester*, shewing their Dislike to the promulgated Bill, Number 5. *Ordered* to be read over, which was accordingly done.

Adjourn'd till the second Hour in the Afternoon.

About the Time appointed the Speaker assumes the Chair, and orders the Names of the Members to be called over, which was done. Whereupon it was *Ordered*, That the Forenoon Minutes should be read.

The Bill, Number 3. read over the second Time, and put to the Question, Whether it should pass as it is amended by the Committee appointed for that Purpose? *Carried in the Affirmative*, N.C.D.

Robert Turner, and *Griffith Jones*, presenting a Petition to this House, and, after reading, the Speaker returned them answer, They would consider it.

Ordered, That *John Donaldson*, *John White*, *Edward Blake*, *Caleb Pusey*, *William Salway*, and *Nicholas Walne*, assist the Clerk to put the Minutes in good Order.

Ordered, That *John Donaldson*, and *Samuel Richardson*, speak to *David Lloyd*, to give his Attendance on the House To-morrow Morning, about the ninth Hour.

Adjourn'd till To-morrow, the eighth Hour.

About which Time the Speaker assumes the Chair, and orders the Names of the Members to be called over, which being done, *David Lloyd* appeared, and was dismiss'd.

The Bill, Number 1. read over the third Time: Put to the Question, Whether it should pass with the Amendments proposed by the Committee ordered for the Repealing, Altering or Amending the said Bill? *carried in the Affirmative.*

The Bill, Number 2. read over the third Time: Put to the Question, Whether it should pass with the Amendment *(and if the Person wronged shall prosecute to the Conviction of the Offender, the Governor shall recover One Third of the Forfeiture only, and the Charges of Prosecution, shall be paid by the Person presented, or convicted) carried in the Affirmative.*

The Bill, Number 3. was read over the third Time: Put to the Question, Whether it should pass with these Amendments, That the Words *(and other heinous and enormous Crimes)* be left out, and these Words added instead thereof *(Witchcraft, robbing on the High-way, Burglary, Sodomy,* and *burning of Houses)* and after the Word *(great)* be added *(or lesser Seal)* and that after the Words *(out of the County)* be added *(which said Judges shall be excused from the County Levy for that Year, in Consideration of their present Service.)* Also that the Word *(Deputy)* be added to *(Governor) carried in the Affirmative*, N.C.D.

The Bill, Number 4. read over the second Time: Put to the Question Whether it should pass? *carried in the Affirmative*, N.C.D.

Ordered, That *John White*, *Samuel Richardson*, *Caleb Pusey*, *Edward Blake*, *John Otter* and *William Salway*, carry the said Bills to the Provincial Council, and make their Report of them.

Adjourn'd till the second Hour in the Afternoon.

About the Time appointed the Speaker assumes the Chair, and orders the Names of the Members to be called over, which was done, all appearing except *Daniel Jones*.

Whereupon the Members appointed above returned this fol-

lowing Answer, They making Report of the said Bills to the Committee of Council, receive this Answer, They would acquaint the Governor and Council.

The aforesaid Members sent a second Time to the Provincial Council; returned this Answer, That they had nothing therein.

Adjourn'd till the tenth Hour next Second Day Morning.

At the Time appointed the Speaker assumes the Chair, orders the Names of the Members to be called over, which was done; all appearing except *Daniel Jones.*

John Swift and *John Otter*, being sent to the Council to receive their Answer; returning, said they spoke with the Governor, who told them, that he was sent to see if their Committee were sitting,——did not know what was done about the said Bills.

Ordered, That *John Swift*, *John Otter*, *John Donaldson*, and *Samuel Richardson*, repair to the Committee of Council, and acquaint them of the Governor's Answer.

Adjourn'd till the second Hour in the Afternoon.

About the Time appointed the Speaker assumes the Chair, and orders the Names of the Members to be called over, which was done; all present except *Daniel Jones.*

Whereupon the Members above sent to the Committee of Council; returned, the Committee not being sat.

Ordered. That *Edward Blake*, and *Samuel Richardson*, repair to the Council Room to receive their Answer; who return saying, they had the Business under Consideration, and in about two Hours they would order a Committee to meet them.

Ordered, That *John White*, *John Barnes*, *Edward Blake*, and *William Salway*, attend on the Committee of Council if Occasion require, to confer with them about the Amendments of the Laws.

John Donaldson desiring Leave to repair Home, it was granted.

Adjourn'd till the eighth Hour To-morrow Morning.

About the Time appointed the Speaker assumes the Chair, orders the Names of the Members to be called over; all appearing, *Daniel Jones* only excepted.

Whereupon the Committee of Council repairing to this House, to confer about the Bills; after Debate withdrew themselves, and left it to the Consideration of this House, Whether they could admit of a farther Debate of the Bill, Number 5. it being before rejected.

Whereupon it was put to the Question, Whether it should

come again under Consideration, or any Part thereof? *Carried in the Negative.*

Ordered, The *John White*, *John Swift*, *Edward Blake*, and *William Salway*, repair to the Governor and Council, to make Report of the Proceedings of this House concerning the said Bill, Number 5.

Whereupon they return this following Answer, *That the Governor, and several Members of Council, did highly resent that printed Paper, and that they had no further Business to this House at present.*

It being put to the Question, Whether the House did approve the dispersing and scattering the printed Paper before brought into this House by some of the Freemen and Inhabitants of this Province? carried in the Negative.

Adjourn'd till the Eighth Hour To-morrow Morning.

About the Time appointed the Speaker assumes the Chair, and orders the Names of the Members to be called over, which was done, all present, *Daniel Jones* only excepted.

Whereupon *Samuel Richardson*, and *Edward Blake*, were appointed to go to the Council, and acquaint them of our Readiness to come to them.———The Members return with this Answer, That the Governor and Council desire this House to meet them at the Council-Room.

Adjourn'd to the Council-Room.

Upon the Return, the Speaker assumes the Chair, orders the Names of the Members to be called over, which was done.

Whereupon the Governor and Council repair to this House in order to a Dismiss, which after some Debate, was accordingly done.

Ordered, That the Records and Minutes remain in the Clerk's Custody till further Orders.

At an ASSEMBLY, *held at* PHILADELPHIA, *the Sixteenth Day of the* THIRD MONTH, 1693.

The Members elected.

Bucks.	Chester.	Kent.
Joseph Growdon, Speaker,	*John Simcock*,	*John Brinkloe*,
John Swift,	*George Maris*,	*John Walker*,
Henry Poynter.	*David Lloyd.*	*William Manloe.*

Philadelphia.	Newcastle.	Sussex.
Samuel Carpenter,	*Edward Blake,*	*Albertus Jacobs,*
Samuel Richardson,	*Cornelius Empson,*	*Thomas Pemberton,*
John White,	*Henry Williams,*	*Samuel Preston.*
James Fox.	*Richard Halwell.*	

The Members of the House being met, proceed to choose their Speaker. *Joseph Growdon* was chosen for Speaker. *William Alloway*, for Clerk. *Thomas Curtis*, for Messenger.

The House adjourns to the Governor, in order to present their Speaker, who readily accepted him, and committed the Choice, and tendered the Oaths and Tests, provided by law for Qualifications, *&c.* But some of the said Members of Assembly, who are tender of taking Oaths, refusing to be sworn, the Governor was pleased to give them the Benefit of subscribing to the Declarations and Professions, mentioned in the *Act for Liberty of Conscience*, made in the first Year of King WILLIAM, and Queen MARY, according to the Queen's Instructions: But ordered the rest to be sworn, as the Law and his Constitution direct; which being done, the Governor addressed himself to the Speaker, and Members of Assembly, by a favourable Speech, concluding, That this accepting the said Members Subscription aforesaid, instead of Swearing, is an *Act of Grace*, and not of Right, so as to be drawn into Precedent for the future; which Part of the Governor's Speech (after the Assembly returned from the Governor to the Meeting-House) being taken into Consideration:

It is agreed to be the Sense and Opinion of the whole House, That the Declarations, and Professions of Faith, signed by some of the Members of this House, in order to qualify them to sit and Vote in this Assembly, are Acts of *Grace and Favour*, extended by the King and Parliament to them and other Pretestant Subjects, that are tender of taking Oaths. And it is hereby acknowledged to be an Act of Justice and Kindness in the Governor, to allow the Benefit thereof.

Adjourn'd to the Widow *Whitpain's* House.

Where the Assembly resorted accordingly, and the Speaker assuming the Chair, ordered the Names of the Members to be called over; there being present, *Joseph Growdon*, Speaker, *John Simcock, George Maris, Samuel Richardson, Richard Halwell, Henry Williams, James Fox, John Walker, Samuel Preston, William Manloe, Henry Poynter, Albertus Jacobs, John White, Samuel Carpenter, John Brinkloe, John Swift, David Lloyd, Edward Blake*, and *Thomas Pemberton.*

The Governor's Speech, consisting of recommending the Queen's Letter, for the Support of the Government, and a Confirmation of our Laws, and enacting new Ones, was read; and is as follows, *viz*, *The Queen's Letter to* Benjamin Fletcher, *Esq. Captain General, and Governor in Chief, in and over the Province of* Pennsylvania, *&c.*

MARY, R.

"TRUSTY and well beloved, we greet you well, Whereas it has been represented unto us in Council, in Behalf of our Province of *New-York*, in *America*, that the same having been at Great Expence for the Preservation and Defence of Albany, its Frontiers against the *French* (by the Loss of which Province, the Inhabitants of *Maryland*, and *Virginia*, would not be able to live, but in Garrison) and having hitherto preserved that Post, and Burden thereby is now intolerable to the Inhabitants there. We think it reasonable, and necessary, that our several Colonies and Provinces of *New-England*, *Virginia*, *Maryland*, and *Pennsylvania*, should be aiding and assisting, from Time to Time, to the Governor, or Commander in Chief of our said Province of *New-York*, in the Maintenance and Defence of it during the present War: and accordingly our Will and Pleasure is, That upon the application of the said Governor, or Commander in Chief, you do immediately send him such Aid or Assistance in Men, or otherwise, for the Security of our said Province from the Attempts of the *French*, or *Indians*, as the Condition of the said Plantations under your Government shall permit: And our further Pleasure is, That as soon as conveniently may be, you agree with the Governors of *New-England*, *Virginia*, and *Maryland*, unto whom we have sent the like Directions, upon a Quota of Men, or other Assistance to be given by each Colony or Province, for the Defence of *New-York* as Occasion may require the same; and that you return a speedy Account of your Proceedings herein to the End such further Directions may be given as shall be necessary for securing the Fort of *Albany*, and the Province of *New-York*, from the Attempts of our Enemies in those Parts: and so we bid you farewel. Given at our Court at *Whitehall*, the eleventh Day of *October*, 1692, in the fourth Year of our Reign.

By Her Majesty's Command,

NOTTINGHAM.

Whereupon the House adjourn'd themselves into a Committee of the whole House, the more freely to consider and debate the Parts of the Governor's Speech.

Where the first Thing considered, was, the Frame of Government we have hitherto acted under, and the Offers of this present Governor to confirm our Laws.

Whereupon the Question was put, How far the Laws of the Province, and Constitution of the Government, founded on the Powers of the King's Letters Patents to the Proprietary, *William Penn*, are in Force?

Resolved, N. C. D. That the Laws of this Province, that were in Force and Practice before the Arrival of this present Governor, are still in Force; and, That the Assembly have a Right humbly to move the Governor for a Continuation, or a Confirmation thereof.

That some Persons be appointed as a Committee, to draw up an humble Address to the Governor to continue and confirm our said Laws.

That in the Address, we may give the Governor the utmost Assurance we are capable of, in the present Circumstance we are under, to answer the Queen's Letter, and the Governor's desire.

That the People's Rights be asserted, with our humble Respect to the King and Queen's Pleasure, and his Commission.

Adjourn'd to Four of the Clock in the Afternoon.

At which Time the House met. The Speaker assuming the Chair, the Names of the Members called over, and all present.

The House appointed *Samuel Carpenter*, *Edward Blake*, *John Swift*, *David Lloyd*, *John Brinkloe*, and *Thomas Pemberton*, to draw up the aforesaid Address.

The Committee returned, having drawn up the Address to the Governor; which was approved by the House.

Resolved, That the House attend on the Governor To-morrow Morning with the Address, and that the Notes be carried to the Governor this Night by the Clerk.

Adjourn'd till Seven of the Clock To-morrow Morning.

At which Time the House met. The Speaker assuming the Chair, the Names of the Members called over; all being present except *John Brinkloe*, *William Manloe*, *Cornelius Empson*, *Henry Williams*, *John Walker*, *Thomas Pemberton* and *Samuel Carpenter*, who were fined according to the Order of the House, each *One Shilling;* it being the first Offence, their Fines were remitted.

Whereupon it was put to the Question, Whether these Words

(according to our Ability) shall be added in the End of the Address *Carried in the Affirmative.*

Ordered, That *Thomas Pemberton*, and *Henry Williams*, acquaint the Governor, That this House is ready to wait on him.

The two Members on their Return report, The Governor attends their coming.

Whereupon the House adjourn to the Governor, in order to present their Address.

The House returns with this Report, That the Governor would give them his Sense in Writing.

Also, it was *Ordered*, That *Samuel Carpenter*, and *Edward Blake*, go and request of the Governor a Copy of his Commission, and his Answer to the Address; and to acquaint him,

The House have nothing to present him this Morning.

The said two Members returning with the aforesaid Copy and Answer; it is the Request of the House, they may be read, which was done.

WILLIAM *and* MARY, *by the Grace of* GOD, *King and Queen of* England, Scotland, France, *and* Ireland, *Defenders of the Faith, &c.*

"To our trusty and well-beloved *Benjamin Fletcher*, Esq; our Captain-General, and Governor in Chief of our Province of *New-York*, and the Territories depending thereon, in *America*, Greeting: Whereas by our Commission, under our Great Seal of *England*, bearing Date the eighteenth Day of *March*, in the fourth Year of our Reign, we have constituted and appointed you the said *Benjamin Fletcher*, to be our Captain-General, and Governor in Chief, in and over our Province of *New-York*, and the Dependancies thereon, in *America;* and have thereby granted unto you full Power and Authority, with the Advice and Consent of our Council, as Need shall require, to summon and call General Assemblies of the Inhabitants, being Freeholders within our said Province, according to the Usage of our Province of *New-York;* and that the persons thereupon duly elected by the major Part of the Freeholders of the respective Counties and Places, and so returned, and having, before their Sitting, taken the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy, and subscribed the Test, and without taking and subscribing whereof, none shall be capable of Sitting, tho' elected, shall be called and held, the General Assembly of that our said Province, And have thereby granted unto

you the said *Benjamin Fletcher*, by and with the Consent of our said Council and Assembly, or the major Part of them, full Power and Authority to make, constitute and ordain Laws, Statutes and Ordinances, for the publick Peace, Welfare and good Government of our said Province, and of the People and Inhabitants thereof: Which said Laws, Statutes and Ordinances are to be, as near as may be, agreeable to the Laws and Statutes of this our Kingdom of *England*. Provided, that all such Laws, Statutes and Ordinances, be, within three Months, or sooner, after the making thereof, transmitted unto us, under our Seal of *New-York*, for our Approbation, or Disallowance of the same; and in case any, or all of them, not before confirmed by us, shall at any Time be disallow'd and not approv'd, and so signified by us, our Heirs, and Successors, under our, or their Sign Manual or Signet, or by Order of our or their Privy Council, unto you the said *Benjamin Fletcher*, or to the Commander in Chief of our Province of *New-York*, for the Time being; then such and so many of them as shall be so disallowed, and not approved, shall from thenceforth cease, determine, and become utterly void, and of none Effect: And to the End that nothing may be pass'd or done by our said Council or Assembly, to the Prejudice of us, our Heirs and Successors, we have hereby willed and ordained, that you the said *Benjamin Fletcher*, shall have and enjoy one negative Voice, in the making and passing of all Laws, Statutes and Ordinances, as aforesaid. And that you shall and may likewise, from Time to Time, as you shall judge it necessary, adjourn, prorogue and dissolve, all General Assemblies as aforesaid.

"We therefore reposing especial Trust and Confidence in the Prudence, Courage and Loyalty of you the said *Benjamin Fletcher*, to be our Captain-General, and Governor in Chief, in and over our Province of *Pennsylvania*, and the Country of *Newcastle*, and all the Tracts of Land depending thereon in *America:* And we do accordingly, by these Presents, command and require you to take the said Province and Country under your Government; and for the better ordering, governing and ruling our said Province and Country, and the Tracts and Territories depending thereon. We do hereby give and grant unto you the said *B. Fletcher*, all and every the like Powers and Authorities, as in our said Commission, bearing Date the eighteenth Day of *March*, in the fourth Year of our Reign, are given, granted and appointed you, for the Ruling and Governing our Province of *New-York*, to be exercised in like manner by your the said *Benjamin Fletcher*, in and over our

said Province of *Pennsylvania*, and the Country of *Newcastle*, and the Territories and Tracts of Land depending thereon, in *America*."

Examined and compared with the original Letters Patents.

Patrick Robinson, *Secretary.*

To Benjamin Fletcher, Esq; Captain-General, and Governor In Chief, in and over the Province of *Pennsylvania*, and Country of Newcastle.

The humble Address of the Freemen of the said Province, and Country, sheweth:

That since it hath pleased the King, and Queen, that the Absence of our Proprietary's personal Attendance in this Government, should be supplied by thee, or thy Lieutenant; we, the Representatives of the Freemen of the said Province, and Territories (with due Respect to the Powers of thy Commission, and hearty Acknowledgment of thy Good-will, Care and Tenderness, towards us) do readily acquiesce with the King's Pleasure therein, earnestly beseeching that our Procedure in Legislation, may be according to the usual Method and Laws of this Government, founded upon the late King's Letters Patents, which we humbly conceive to be yet in Force, and therefore we desire the same may be confirmed unto us, as our Rights and Liberties. And we (with all Faithfulness and Sincerity) do give what Assurance we are capable of in the present Circumstances we are under, to answer the Queen's Letters, and thy Request, according to our Ability.

Third Month, 17, 1693.

The GOVERNOR'S *Answer.*

Gentlemen,

"I with the Council, have considered your Address, and am sorry to find your Desires grounded upon so great Mistakes. ———The Absence of the Proprietary is the least Cause mentioned in their Majesties "Letters Patents, for their Majesties asserting their undoubted Right of governing their Subjects in this Province; there are Reasons of greater Moment; as, the Neglects and Miscarriages in the late Administration; the Want of necessary Defence against the Enemy; the Danger of being loft from the Crown.

The Constitution of their Majesties Government, and that

of Mr. *Penn's*, are in a direct Opposition one to the other: If you will be tenacious in sticking for this, it is a plain Demonstration, use what Words you please, that indeed you decline the other.

I shall readily concur with you, in doing any Thing that may conduce to your Safety, Prosperity, and Satisfaction; provided your Requests are consistent with the Laws of *England*, their Majesties Letters Patents, and the Trust and Confidence their Majesties have reposed in me.

Time is very precious to me; I hope you will desist from all unnecessary Debates, and fall in Earnest upon those Matters I have already mentioned, and shall have to recommend to you, and for which you are principally convened."

By his Excellency's Order,

DAVID JAMISON, CL. Coun.

Philadelphia, May 17, 1693.

After Debate, it was put to the Question, Whether it be the Opinion of this House, that all may safely act in Legislation, in Conjunction with the Governor, according to the King's Letters Patents? *Carried in the Affirmative*, N. C. D.

It was also put to the Question, Whether this Clause shall be added to the last Vote, *viz. (Provided that the aforesaid Resolve may not be construed, deemed, or taken to our Prejudice; but we have the Benefit of being governed by the Laws and Constitutions of this Government, so far as is consistent to the Tenure of the King's Letters Patents to our present Governor* Fletcher, *and that our Proceedings therein, is in Conformity to the King's Pleasure, and not the least Apprehension of any Forfeiture of our Rights in Legislation) Resolved in the Affirmative*, N. C. D.

Adjourn'd to Four of the Clock in the Afternoon.

At which Time the Speaker assuming the Chair, the Names of the Members called over; all being present.

The Governor's Paper in Answer to the Address presented this Morning, was read a second Time; and after large Consideration and Debate thereon, and the Sense of the House known, it was *Ordered, viz.* That *David Lloyd*, *John Brinkloe*, *Thomas Pemberton*, and *Cornelius Empson*, be a Committee to draw up a Remonstrance and Answer to the said Paper by the Approbation of the House, to present to the Governor; which being done, is as followeth:

TO BENJAMIN FLETCHER, Esq; Captain-General, and

Governor in Chief, in and over the Province of *Pennsylvania*, Country of *Newcastle*, and Tracts of Land depending.

The Remonstrance of the Freemen of the said Province and Country, in Assembly met, humbly sheweth:

That having with all dutiful Respect, read and considered the Governor's Answer to our Address this Morning: We in Answer thereunto, with Submission say, we Conceive that our Desires were not grounded on Mistakes, in Relation to the Proprietary's Absence.

But as to the other Clause mentioned by the Governor, of their Majesties asserting their undoubted Rights of governing their Subjects in this Province, &c we with all Readiness and Chearfulness own accordingly, to be the Right of the King and Queen; a whole Prosperity and happy Reign, we heartily desire. And to the other Reasons rendered for the superseding our Proprietary's Governancy, we apprehend are founded on Mis-informations; for the Courts of Justice were open in all Counties in this Government, and Justice duly executed from the highest Crimes of Treason and Murder, to the Determining the lowest Difference about Property, before the Date or Arrival of the Governor's Commission: Neither do we apprehend that the Province was in Danger of being lost from the Crown, although the Government was in the Hands of some, whose Principles are not for War. And we conceive, That the present Governancy hath no direct Opposition (with Respect to the King's Government here in general) to our Proprietary's WILLIAM PENN, *though the Exercise of thy Authority at present, supersedes that of our said Proprietary's: Nevertheless, we readily own thee for our lawful Governor, saving to ourselves, and those whom we represent, our, and their just Rights and Privileges.*

The 17th of the *Third Month*, 1693. Joseph Growdon, *Speaker.*

The House adjourns to the Governor's in order thereunto. ———And upon their Return adjourned till To-morrow Morning Seven of the Clock.

At which Time the House met. The Speaker assuming the Chair, *&c.* and all present, *John Brinkloe* only excepted, who by Leave of the House was Absent for an Hour.

William Black was brought before this House, for menacing the Speaker, and other Insolencies by him committed against the Privileges of this Assembly, and *Ordered* to stand

committed into the Custody of the Sheriff of *Philadelphia* County, there to remain till further Orders from this House, or till he be discharged by due Course of Law.

Ordered, That two Members of this House do wait on the Governor, to request of him an Account of such Laws as he deems repugnant to the Laws of *England*, who was pleased to return Eight, *viz.*

The ninth Law, against *Sodomy* and *Bestiality*, The tenth Law, against *Rape*. The sixteenth Law, against *burning Houses*. The Ninty-sixth Law, against *stealing Hogs or Cattle* The Hundred and ninth Law, about estates after death. The Hundred and seventeenth Law against *Manslaughter*. The Hundred and Sixty-sixth Law, about *Marriages*. The Hundred and Seventy-first Law, about the *Proprietary's Person*.

Whereupon *Samuel Carpenter*, *John White*, *John Simcock*, *David Lloyd*, *Edward Blake*, *Richard Halwell*, *John Brinkloe*, and *Samuel Preston*, be a Committee appointed to consider of these aforesaid Laws whether they, or any Part thereof, are repugnant to the Laws on *England*, and not fit to be continued, and what other Laws they see meet?

Ordered, That *Samuel Richardson*, *John Swift*, *James Fox*, *Henry Pointer*, *Henry Williams*, *John Walker*, *Thomas Pemberton*, *Albertus Jacobs*, *George Maris*, *Cornelius Empson*, *William Manloe*, be a Committee to consider that Part of the Governor's Speech, relating to a Supply for the Support of the Government, and Fortification of the Province, *&c.* As also what Measures and Course may be taken to raise Money for the same; and what Sum may be thought expedient, and make Report thereof To-morrow Morning.

Adjourn'd till Seven a Clock To-morrow Morning.

At which Time the House met. The Speaker assuming the Chair, the Names of the Members being called over; all present.

The Committee appointed to examine the aforesaid Laws, report to the House, That they have proceeded therein to the Hundred and twentieth Chapter, but could not complete their Service for Want of Time.

Ordered, That the said Committee sit again in the Afternoon, in order to effect the same.

Upon the Complaint of the Messenger, *Joseph Ranstead* and *Robert Tate* were brought before this House, to answer for their Abuse to the said Messenger in the Execution of his Office, and against the Privileges of the Freemen of this House.

They humbly submitting themselves, and craving Pardon for the Abuse done, were discharged.

The Committee appointed to consider that Part of the Governor's Speech, relating to Supply, &c. reports to the House, they believe there is an absolute Necessity of raising Money to support the Government, and the most expedient Way is *viz.* by Tax on strong Beer and Ale retailed; by Deer-skins, raw and dress'd; by the Pole; by Land, *per* hundred Acres; by Rent of Houses; upon Wine and Cyder imported; but have not considered how much is needful to be raised, desiring that the House would ascertain the Sum.

Adjourn'd till Eight a Clock To-morrow Morning.

At which Time the House met. The Speaker assuming the Chair, the Names of the Members called over; several of the Members Absent, it was Sense of the House, That if any Member for the future absent himself without Licence from the Speaker, each such absenting shall pay *One Shilling*, and be subject to the further Centure of the House.

Ordered, That *Edward Blake*, *Samuel Carpenter*, wait on the Governor, and request some Papers relating to the Post-Office, who brought them into the House, and were read.

Ordered, That *Edward Blake*, and *Richard Halwell*, request the Governor the Law made at *New-York*, concerning the Post-Office, who was pleased to acquaint them, he had it not.

Ordered, That *John Swift*, *Samuel Carpenter*, *Ricard Halwell*, *Samuel Preston*, *George Maris*, *Tomas Pemberton*, *Edward Blake*, *John Brinkloe*, be a Committee to draw up a Bill for the erecting a Post-Office; and also a Bill against Privateers, and Pirates.

Adjourn'd till Second Day, Eight a Clock in the Morning.

At which Time the House met. The Speaker assuming the Chair, the Names of the Members called over, all being present.

The House resolved themselves into a Grand Committee of the whole House, the better to debate the Supply for Support of Government.

Ordered, The said Committee sit again in the Afternoon at Four of the Clock.

At which Time the Committee met. And after Debate had concerning the Money intended to be raised, it was put to the Question, Whether it be the Opinion of this Committee, that a Part of the Money to be raised for the Support of Government, shall be appropriated to the Use of the two late Governors, *Thomas Lloyd*, and *William Markham*? *carried in the Affirmative*,

Also it was put to the Question, Whether it be the Opinion of this Committee, that a Penny *per* Pound shall be assessed of every Man's real Estate? *Carried in the Affirmative.*

Adjourn'd till Eight a Clock To-morrow Morning.

At which Time the House met. The Speaker assuming the Chair, the Names of the Members were called over.

Whereupon the Petition of *William Black* was read, and he sent for by the Messenger, humbly submitted himself; paying his Fees, was discharged.

David Jamison, acquaints the House from the Governor, to dispatch off Business, and to know whether they had any Thing to offer to him; who in Answer say, they shall not be ready to wait on him until the Afternoon.

The Committee appointed to peruse the Body of the Laws, reports to the House, they had considered them and drawn up so many as they think needful to be continued, which was read, approved, and *Ordered*, to be transcribed, in order to be carried to the Governor in the Afternoon.

Adjourn'd for two Hours.

At which Time the House met. The Speaker assuming the Chair, the Names of the Members were called over.

The House adjourns to the Governor, in order to have the aforesaid Laws confirmed, who was not in Council.

Returned, and adjourned till Seven a Clock To-morrow Morning.

At which Time the House met. The Speaker assuming the Chair, the Names of the Members were called over.

John Swift, was appointed to acquaint the Governor, That this House is ready to wait on him: And in order to present him with the Remonstrance, and the Laws they have for Confirmation they adjourn to the Governor's.

Ordered, That *David Lloyd*, and *Edward Blake*, request all the Laws enrolled in the Custody of *Thomas Lloyd*, late Governor.

Adjourn'd for one Hour.

The House met, and adjourn'd till two a Clock in the Afternoon.

At which Time the House met. The Speaker assuming the Chair, orders the Names of the Members to be called over.

The two Members appointed to speak with *Thomas Lloyd*, about the Rolls of the Laws, report, That there are but few of the said Laws enrolled, the others entered in a Book.

Ordered, That *John White*, *Edward Blake*, and *Samuel Carpenter*, request of the late Governor *Markham*, the Rolls

of all such Laws in his Custody as were passed since his Arrival here in 1685.

The said Members report, That *William Markham*, late Governor, would satisfy the Governor, concerning the enrolling the Laws since 1685. but had them not enrolled.

The Governor, by *David Jamison*, acquaints this House, he had received only the Titles of such Laws as they deemed in Force, and not the Laws; and further signified, he would readily consent to confirm them, provided they were enrolled, and consistent with the Laws of *England*.

Ordered, That *John White*, *Edward Blake*, *David Lloyd*, and *Samuel Carpenter*, carry the Book of the Laws of this Province, *&c.* to the Governor, with the Copy of his Commission.

Adjourn'd for one Hour.

At which Time the House met. The Speaker assuming the Chair, ordered the Names of the Members to be called over.

The Committee appointed to carry the Laws to the Governor, reports, That after they had large Debate with the Governor and Council, about the said Laws, the Governor was pleased to appoint five Members of the Council, to confer and debate the said Laws, with ten Members of this House, To-morrow Morning, at the old Council-Room.

Upon which *Joseph Growdon*, Speaker, *John White*, *Edward Blake*, *David Lloyd*, *John Brinkloe*, *Thomas Pemberton*, *Samuel Carpenter*, *John Swift*, *James Fox*, and *Cornelius Empson*, by order of the House, were appointed to meet the five Members of Council aforesaid.

Adjourn'd till To-morrow eight a Clock.

At which Time the House met. The Speaker assuming the Chair, the Names of the Members called over, all being present.

The Committee of ten Members appointed to meet the Committee of Council, repaired to the Council-Room, at the late Governor *Markham's*.

Adjourn'd till two in the Afternoon.

At which Time the House met. The Speaker assumed the Chair, and ordered the Names of the Members to be called over.

Whereupon the Committee aforesaid of ten Members, reports, That the Thing chiefly debated on with the Committee of Council, was the Laws; and in the Conclusion, it was the Opinion of both Committees, that the Governor would confirm all such Laws, as he deemed consistent with the Laws of *England*.

William Clark, and *Patrick Robinson*, two Members of Council, acquaint this House, That the Governor having been advised of the Conference about the Laws, was pleased to assure the Confirmation of all the said Laws, during the King's Pleasure (that about Ship-wreck only excepted).

Whereupon the Thanks of the whole House was returned him.

It was put to the Question, Whether Freemen, not worth *One Hundred Pounds*, not House-keepers, nor otherwise rated, should pay *Six Shillings* per Head? *Carried in the Affirmative.*

Adjourn'd till Seven a Clock To-morrow Morning.

At which Time the House met. The Speaker assuming the Chair, orders the Names of the Members to be called over.

The Report of the Committee of eleven Members, concerning raising Money for Support of Government, was read; put to the Question, Whether it be the Opinion of the House, that there is a Necessity for raising Money for Support of Government? *Carried in the Affirmative*, N. C. D.

Put to the Question, Whether it be the Opinion of the House, that *One Penny per Pound* of all the real and personal Estates within this Province, and Territories, with respect had to the moderate Assessment of all unculivated and unprofitable Lands, be assessed and levied, towards the Support of Government? *Carried in the Affirmative.*

Also it was put to the Question, Whether a Part of the Money to be raised, be appropriated to the Use of the two late Governors? *Carried in the Negative.*

The Question put, Whether it be the Opinion of the House, that all Counties shall defray their respective County Charges, and that the same be levied or taxed proportionably of the real and personal Estates in this Government accordingly, to One Penny per Pound, and Six Shillings per Head? Carried *in the Affirmative*, N. C. D.

The Question put, Whether it be the Sense of the House, that the Speaker be allowed *Nine Shillings*, and every other Member of Assembly *Six Shillings per Diem*, during their Attendance? *carried in the Affirmative.*

Ordered. That *David Lloyd, James Fox, Samuel Richardson, Thomas Pemberton*, and *Edward Blake*, be a Committee appointed to draw up a Bill for the *Penny per Pound;* a Bill for Assembly-Fees; and alter and amend all such Laws as they see convenient.

Ordered, That *John White, Samuel Carpenter, Richard Halwell, Cornelius Empson*, and *Albertus Jacobs*, be appointed to draw up these following Bills, *viz.*

A Bill for regulating Casks, &c. A Bill against Privateers and Pirates. A Bill for the Post-Office. A Bill for regulating Money. A Bill about the Assizes of Bread.

Adjourn'd till nine a Clock To-morrow Morning.

At which Time the House met. The Speaker assuming the Chair, the Names of the Members called over.

The House adjourn'd till ten a Clock next Second Day in the Morning, being the 29th Instant.

At which Time the House met. The Speaker assuming the Chair, the Names of the Members called over, all present.

The House moved, That the Bills drawn up by the Committee to be passed into Laws, might be read.

Whereupon the Bill, Number 1. of the Petition of Right, read the first Time, and put to the Question, Whether it shall pass as proposed? *resolved in the Affirmative*, N. C. D.

The Bill, Number 2. concerning Appeals to Provincial Courts, read the first Time, and put to the Question, Whether it should pass as proposed? *resolved in the Affirmative.*

The Bill, Number 3. concerning Forms of Arrests, read the first Time, and put to the Question, Whether it should pass? And the Bill, Number 4. concerning Persons sitting to judge in their own Cause, read the first Time, and put to the Question, Whether it should pass? Both *resolved in the Affirmative*, N. C. D.

The Bill, Number 5. concerning abusing Magistrates, read the first Time, and put to the Question, Whether it pass into a Law? And the Bill, Number 6. concerning immoderate Fines, read a first Time, and put to the Question, Whether it should pass? Both *carried in the Affirmative.*

The Bill, Number 7. concerning bailing Prisoners, read the first Time, and put to the Question, Whether it should pass? *carried in the Affirmative*, N. C. D.

The Bill, Number 8. concerning the Manner of giving Evidence, read the first Time, and *passed in the Affirmative*, N. C. D.

The Bill, Number 9. concerning Appraisors, read the first Time, and put to the Question, Whether it should pass? The Bill, Number 11. concerning Debauchery in Officers, read the first Time, and put to the Question, Whether it should pass? And the Bill, Number 12. concerning yearly Elections, read the first Time, and put to the Question, Whether it should pass? All *carried in the Affirmative*, N. C. D.

The Bill, Number 13. concerning a Salary for Members of Assembly, read the first Time, and put to the Question,

Whether it should pass? The Bill, Number 14. concerning Marriages, read the first Time, and put to the Question, Whether it should pass into a Law?

The Bill, Number 15. concerning what of the Country Produce shall be Country Pay, read a first Time, and put to the Question, Whether it should Pass? And the Bill, Number 16. concerning the Assizes of Bread, read the first Time, and put to the Question, Whether it should pass? All *carried in the Affirmative.*

Adjourn'd till Four a Clock in the Afternoon.

At which Time the House met. The Speaker assuming the Chair, ordered the Names of the Members to be called over.

Whereupon the Petition of *William Dennis* was read, and he referred to Law, the House taking no Cognizance thereof.

Ordered, That *Edward Blake*, and *Samuel Richardson*, acquaint the Governor, That the House have nothing to present him this Night.

The Bill, Number 17. concerning the Rates of Money, read the first Time, and put to the Question, Whether it should pass? *carried in the Affirmative*, N. C. D.

The Bill, Number 18. concerning Factors Correspondents, read the first Time, and put to the Question, Whether it should pass? *resolved in the Affirmative*, N. C. D.

The Bill, Number 19. concerning Casks, and Packers of Meat, *&c.* read the first Time, and put to the Question, Whether it should pass as it hath been proposed? *carried in the Affirmative.*

The Bill, Number 20. concerning *Indian* Traders, read the first Time, and put to the Question, Whether it should pass as proposed? And the Bill Number 22, concerning Testators and Intestates, read the first Time, and put to the Question, Whether it should pass? *Both resolved in the Affirmative*, N. C. D.

The Bill, Number 23. concerning cutting Timber Trees, read the first Time, and put to the Question, Whether it should pass? The Bill, Number 24. concerning Education of Youth, read the first Time, and put to the Question, Whether it should pass? The Bill, Number 25. concerning Custom of the Country due to Servants, read the first Time, and put to the Question, Whether it should pass? The Bill, Number 26. concerning killing of Wolves, read the first Time, and put to the Question, Whether it should pass? The Bill, Number, 27. concerning Building Bridges, read the first Time, and put to the Question, Whether it should pass as it is read? And the Bill, Number 28. concerning Ferries, read the first Time, and put

to the Question, Whether it should pass into a Law? All *carried in the Affirmative.*

Adjourn'd to Five a Clock To-morrow Morning.

At which Time the House met. The Speaker assuming the Chair, ordered the Names of the Members to be called over.

The Bill, Number 29. concerning Country Levies, read the first Time, and put to the Question, Whether it should pass? *carried in the Affirmative.*

The Bill, Number 30. against making Wares, read the first Time, and put to the Question, Whether it should pass into a Law? *resolved in the Affirmative,* N.C.D.

The Bill, Number 31. concerning Hogs going at large in the Town of *Philadelphia,* read the first Time, and put to the Question, Whether it should pass? *carried in the Affirmative, N.C.D.*

The Bill, Number 32, concerning the Militia, read the first Time, and put to the Question, Whether it should pass as it is now read? *carried in the Affirmative.*

The Bill, Number 33. concerning a Post-Office, read the first Time, and put to the Question, Whether it should pass, with Amendments? *resolved in the Affirmative,* N.C.D.

The Bill, Number 34. concerning Pirates and Privateers, read the first Time, and put to the Question, Whether it should pass, with Amendments? *carried in the Affirmative,* N.C.D.

The Bill, Number, 35. concerning officers and Ministers, read the first Time, and put to the Question, Whether it should pass? *carired in the Affirmative.*

The Petition of the Inhabitants on the *West* Side of *Schuylkill* was read, and referred to further consideration.

The Bill, Number 1. of the Petition of Right, read a second Time, and put to the Question, Whether it should pass into a Law? *resolved in the Affirmative,* N.C.D.

The Bill, Number 2. concerning Appeals, read a second Time, and put to the Question, Whether it should pass as it is proposed? *carried in the Affirmative.*

The Bill, Number 3. concerning Forms of Arrests, read a second Time, and put to the Question, Whether it should pass? *resolved in the Affirmative,* N.C.D.

The Bill, Number 4, concerning Persons sitting Judge in their own Cause, read a second Time, and put to the Question, Whether it should pass? *carried in the Affirmative,* N.C.D.

The Bill, Number 5. concerning the abusing Magistrates,

read the second Time, and put to the Question, Whether it should pass? *carried in the Affirmative.*

The Bill, Number 6. concerning immoderate Fines, put to the Question, Whether it should pass. *resolved in the Affirmative.*

The Bill, Number 7. concerning bailing Prisoners, read a second Time, and put to the Question, Whether it should pass? And the Bill, Number 8. concerning Manner of giving Evidence, read the second Time, and put to the Question, Whether it should pass? Both *carried in the Affirmative.*

The Bill, Number 9. concerning Appraisors, read the second Time, and put to the Question, Whether it should pass? And the Bill, Number 11. concerning Debauchery in Officers, read a second Time, and put to the Question, Whether it should pass? Both *resolved in the Affirmative,* N.C.D.

The Bill, Number 12. concerning yearly Elections of Members of Assembly, read a second Time, and put to the Question, Whether it should pass into a Law? *carried in the Affirmative,* N. C. D.

The Bill, Number 13, concerning Salary for Members of Assembly, read a second Time, and put to the Question, Whether it should pass? The Bill, Number 14. concerning Marriages, read a second Time, and put to the Question, Whether it should pass? The Bill, Number 15. concerning what of the Country Produce shall be current Pay, read a second Time, and put to the Question, Whether it should pass? The Bill, Number 16. concerning the Assizes of Bread, read a second Time, and put to the Question, Whether it should pass? All *carried in the Affirmative.*

Ordered, That *Edward Blake,* and *Samuel Richardson,* acquaint the Governor, that this House have nothing to present him this Night.

Adjourn'd till Eight a Clock To-morrow Morning.

At which Time the Speaker assumes the Chair, orders the Members Names to be called over, which was done by the Clerk.

The Bill, Number 1. of the Petition of Right, was read a third Time, and put to the Question, Whether it should pass into a Law? *resolved in the Affirmative,* N. C. D.

The Bill, Number 2. concerning Appeals, read a third Time, and put to the Question, Whether it should Pass? The Bill, Number 3. concerning Arrests, read a third Time, and put to the Question, Whether it should pass? The Bill, Number 4. concerning Persons sitting Judge in their own Cause, read the third Time, and put to the Question, Whether it should pass?

The Bill, Number 5. against abusing Magistrates, read the third Time, and put to the Question, Whether it should pass? The Bill, Number 6. concerning immoderate Fines, read a third Time, and put to the Question, Whether it should pass?

The Bill, Number 7. concerning bailing Prisoners, read a third Time, and put to the Question, Whether it should pass? The Bill, Number 8. concerning the Manner of giving Evidence, read a third Time, and put to the Question, Whether it should pass? And the Bill, Number 9. concerning Appraisors, read a third Time, and put to the Question, Whether it should pass? All *carried in the Affirmative*, N. C. D.

The Bill, Number 11. concerning Debauchery in Officers, read a third Time, and put to the Question, Whether it should pass? *resolved in the Affirmative.*

The Bill, Number 12. concerning yearly Elections, read a third Time, and put to the Question, Whether is should pass? *resolved in the Affirmative*, N.C.D.

The Bill, Number 13. concerning a Salary for Members of Assembly, read a third Time, and put to the Question Whether it should pass? And the Bill, Number 14, concerning Marriages, read the third Time, and put to the Question, Whether it should pass? Both *carried in the Affirmative.*

The Bill, Number 15, concerning what of the Country Produce shall be current Pay, read a third Time, and put to the Question, Whether it should pass, And the Bill, Number 16 concerning the Assizes of Bread, read a third Time, and put to the Question, Whether it should pass? Both *carried in the Affirmative*, N. C. D.

Ordered, that *Cornelius Empson*, and *James Fox*, carry the aforesaid Bill, from Number 1. to Number 16. (Number 10. excepted) to the Governor, in order to have his approbation concerning them, they having pass'd this House the third Time.

Adjourn'd for one Hour.

At which Time the House met. The Speaker assuming the Chair, ordered the Names of the Members to be called over.

The two members of this House sent with the Bills to the Governor, report, That he would consider it any were to be amended, and would send them.

The Bill, Number 17. concerning the Rates of Money, read a second Time, and put to the Question, Whether it should pass? And the Bill, Number 18. concerning the Factors Correspondents, read a second Time, put to the Question, Whether it should pass? Both *resolved in the Affirmative*, N.C.D.

The Bill, Number 19. concerning regulating of Casks and Packers of Meats, and about Measures, read a second Time,

and put to the Question, Whether it should pass? *resolved in the Affirmative.*

The Bill, Number 20. concerning *Indian* Traders, read a second Time, and put to the Question, Whether it should pass? And the Bill, Number 21. concerning recording Deeds, read a second Time, and put to the Question, Whether it should pass into a law? Both *carried in the Affirmative.* N.C.D.

The Bill, Number 22. concerning Testators, and Intestates, read a second Time, and put to the Question, Whether it should pass? And the Bill, Number 23. concerning cutting Timber Trees, read a second Time, and put to the Question, Whether it should pass? Both *carried in the Affirmative.*

The Bill, Number 24. concerning Education of Youth, read a second Time, and put to the Question, Whether it should pass? And the Bill, Number 25. concerning Custom of the County due to Servants, read a second Time, and put to the Question, Whether it should pass? And the Bill, Number 26. concerning killing of Wolves, read a second Time, and put to the Question, Whether it should pass? All *carried in the Affirmative,* N.C.D.

The Bill, Number 27. concerning Building Bridges, read a second Time, and put to the Question, Whether it should pass? And the Bill, Number 28. concerning Ferries, read a second Time, and put to the Question, Whether it should pass? Both *carried in the Affirmative.*

The Bill, Number 29. concerning Country Levies, read a second Time, and put to the Question, Whether it should pass? The Bill, Number 30. concerning Wares, read a second Time, and put to the Question, Whether it should pass? And the Bill, Number 31. concerning Hogs running at large in the Town of *Philadelphia,* read a second Time, and put to the Question, Whether it should pass? All *carried in the Affirmative,* N.C.D.

The Bill, Number 32. concerning the Militia, read a second Time, and put to the Question, Whether it should pass? *carried in the Affirmative.*

The Bill, Number 33. concerning a Post-Office, read a second Time, and put to the Question, Whether it should pass? *carried in the Affirmative,* N.C.D.

The Bill, Number 34. concerning Privateers and Pirates, read a second Time, and put to the Question, Whether it should pass? *resolved in the Affirmative,* N.C.D.

The Bill, Number 35. concerning choosing Officers and Ministers, read a second Time, and put to the Question, Whether

it should pass? And the Bill, Number 36. concerning Officers Fees, read a first Time, and put to the Question, Whether it should pass? Both *carried in the Affirmative*, N.C.D.

The Bill, Number 37. concerning Barley and Malt, read a first Time, and put to the Question, Whether it should pass? *carried in the Negative.*

The Bill, Number 38. concerning a Supply of Money for Support of Government, read a first Time, and put to the Question, Whether it should pass into a Law with Amendments? *carried in the Affirmative.*

The Question put, Whether One Half of the Money to be raised should be appropriated to the Use of the present Governor *Fletcher? carried in the Affirmative.*

Adjourn'd to Four of the Clock in the Afternoon.

At which time the House met. The Speaker assuming the Chair, ordered the Names of the Members to be called over.

Upon which, two Members of Council repaired to this House from the Governor, with a Stile to be annexed to our Laws; and informs the House, That he desires the Dispatch of their Business.

The Petition of *George Heathcott* was read, according to the Request of the House, and referred to further Consideration till To-morrow Morning.

The Bill, Number 36. concerning Officers Fees, read a second Time, and put to the Question, Whether it should pass into a Law? And the Bill, Number 38. concerning a Supply of Money for the Support of Government, read a second Time, and put to the Question, Whether it should pass with the Amendments? Both *carried in the Affirmative.*

The Bill, Number 39, concerning Whale Fishing, read the first Time, and put to the Question, Whether is should pass as proposed? *carried in the Affirmative*, N.C.D.

And *Ordered* a second Reading To-morrow Morning.

Adjourn'd to Six of the Clock To-morrow Morning.

At which Time the House met. The Speaker assumes the Chair, ordered the Names of the Members to be called over, which was done, and all present.

The Bill, Number 39. concerning Whale Fishing was read a second Time, and put to the Question, Whether it should pass? *carried in the Affirmative*, N.C.D.

The Bill, Number 17. concerning the Rates of Money, read a third Time, and put to the Question, Whether it should pass? *resolved in the Affirmative.*

The Bill, Number 18, concerning Factors Correspondents read a third Time, and put to the Question, Whether it should

pass? The Bill, Number 19. concerning regulating Casks, and Packers of Meat, and about Measures, read a third Time, and put to the Question, Whether it should pass? The Bill, Number 20. concerning *Indian* Traders, read a third Time, and put to the Question, Whether it should pass? And the Bill, Number 21. concerning recording Deeds, read a third Time, and put to the Question, Whether it should pass? All *resolved in the Affirmative*, N.C.D.

The Bill, Number 22. concerning Testators and Intestates read a third Time, and put to the Question, Whether it should pass? *carried in the Affirmative.*

The Bill, Number 23. concerning Timber Trees, read a third Time, and put to the Question, Whether it should pass? The Bill, Number 24. concerning Education of Youth, read a third Time, and put to the Question, Whether it should pass? The Bill, Number 25, concerning Customs of the Country due to Servants, read a third Time, and put to the Question, Whether it should pass? The Bill, Number 26. concerning killing Wolves, read the third Time, and put to the Question, Whether it should pass? The Bill, Number 27. concerning building Bridges, read a third Time, and put to the Question, Whether it should pass? And the Bill, Number 28. concerning Ferries, read a third Time, and put to the Question, Whether it should pass? All *resolved in the Affirmative.*

The Bill, Number 29. concerning Country Levies, read a third Time, and put to the Question, Whether it should pass? *resolved in the Affirmative*, N.C.D.

The Bill, Number 30. concerning Wares, read a third Time, and put to the Question, Whether it should pass? *carried in the Affirmative*, N.C.D.

The Bill, Number 31. concerning Hogs running at large in the Town of *Philadelphia*, read a third Time, and put to the Question, Whether it should pass? *resolved in the Affirmative*, N.C.D.

The Bill, Number 32. concerning the Militia, read a third Time, and put to the Question, Whether it should pass? *carried in the Negative.*

The Bill, Number 33. concerning the Post-Office, read a third Time, and put to the Question, Whether it should pass? And the Bill, Number 34. concerning Privateers and Pirates, read a third Time, and put to the Question, Whether it should pass? Both *resolved in the Affirmative*, N.C.D.

The Bill, Number 35. concerning choosing Officers and Ministers, read a third Time, and put to the Question, Whether it should pass? *resolved in the Affirmative.*

The Bill, Number 36, concerning Officers Fees, read a third Time, and put to the Question, Whether it should pass? And the Bill, Number 39. concerning Whale Fishing, read a third Time, and put to the Question Whether it should pass? Both *resolved in the Affirmative*, N.C.D.

Ordered, That *Cornelius Empson*, and *James Fox*, carry all the Bills to the Governor, for the Approbation of the Upper House (*viz.* from Number 2. to Number 39.) these excepted, Number 28. about Money. Number 37. about transporting Malt and Barley. Number 32. about the Militia. Number 22. about Intestates.

Adjourn'd for one Hour.

At which Time the House met. The Speaker assumes the Chair, and orders the Names of the Members to be called over, which was accordingly done.

John White, *David Lloyd*, and *Samuel Carpenter*, were appointed to acquaint the Governor what was done about the Bill, Number 38. for Supply, and that it cannot be read again until To-morroy Morning; in the Interim to leave the Bill with the Interim to leave the Bill with the Governor, because he was so much straitened in Point of Time, to peruse or consider of Amendments, if he thought fit, before a third Reading. And request the Governor's Answer, concerning the Amendments of the Bills, which were sent from this House for his Concurrence; and to know what or how many of those Bills are like to pass into Laws, and what Method he intended to take, in giving the last Sanction to our Laws here.

Adjourn'd for one Hour.

At which Time the House met. The Speaker assuming the Chair, ordered the Names of the Members to be called over.

Whereupon four of the Members appointed to attend the Governor this Morning, report to the House, That they have delivered their Message according to what they had in Charge, signifying to the Governor, that it was the Sense and Expectation of the Assembly, that Aggrievances be redress'd before any Bill for Supply ought to pass. But the Governor slighted the Supply, and returned back the Bill, saying, *That the Assembly should have no Account of the Amendments of the Bills till they came in a full House before him, to give the last Sanction to the Laws.* And further said, *That he saw nothing would do, but an Annexation to* New-York.

Patrick Robinson, a Member of Council, came in with a Message from the Governor to know whether this House had any Thing ready to send the Governor; at which Time there

was nothing, but hoped they should send to him in some small Time.

At a Council held at Philadelphia, *the first Day of* June, 1693. H I S Excellency and Council being met about five a Clock, *Ordered* that *Patrick Robinson*, Esq; do wait upon the House of Representatives, and demand of them an Answer to that Message concerning the Queen's Letters in Writing, according to their Promise last Night; and, Whether they have further Bills to offer? *By Order*,

David Jamison, *Cler. Council.*

Patrick Robinson, and *George Foreman*, two Members of Council, came with a Message in Writing* from the Governor to this House, and requested an Answer to the same in the like; Whereupon it was put to the Question, Whether it is the Sense of the House, that the Speaker shall not deliver to the Governor any Bills, without the Assent of the greater Number of the Members of this House? *resolved in the Affirmative*, N. C. D.

* *At a Council held at* Philadelphia, May 31st, 1693.

H I S Excellency ordered *Patrick Robinson*, and *George Foreman, Esquires*, to wait upon the House of Representatives, and demand of them, Whether in Compliance with their Majesties Commands for the Assistance of New-York, they have resolved upon a Quota of Men or Money, or both? Whether they have taken the Queen's Letter into their Consideration? And to return their Answer in Writing forthwith.

By Order,

David Jamison, *Cler. Council.*

The Bill, Number 38. concerning Supplies, read a third Time, and put to the Question, Whether it should pass into a Law? *resolved in the Affirmative.*

Ordered, That *James Fox*, and *Richard Halwell*, go with a Petition* from this House to the Governor.————*William Clark*, a Member of Council, informed this House, That the Governor hath adjourn'd the Council till Five a Clock Tomorrow Morning.

* *An Answer to the Governor's Letter in Writing.*

T H E Assembly have, with dutiful Regard, considered the Queen's Letter, and, according to the Condition of this Province, have prepared a Bill for raising Money for the Assistance

and Support of Government; and also for a Present to our Chief Governor, the finishing whereof is delayed by reason the Assembly cannot receive an Answer, whether the other Bills, being a considerable Number, will be accepted, or not? ——Note, *This Answer was not delivered, but the Petition below in Lieu of it.*

TO BENJAMIN FLETCHER, Esq; Captain-General, and Governor in Chief, in and over the Province of *Pennsylvania*, Country of *Newcastle*, and Tracts of Land depending.

The humble Petition of the Freemen of the said Province, and Country, in Assembly met, sheweth:

THAT they being deeply sensible of the many Inconveniences that may attend a Misunderstanding between the Governor and Freemen, do earnestly desire all Occasion may be taken away, and with all Humility beg the Governor would be pleased in tender Regard to the Trust lodg'd in the said Representatives, to condescent so far, as to inform them, which of their Bills the Governor will accept, amend or reject; that by knowing which of the said Bills are disliked by the Governor, the Assembly may dispose themselves to acquiese with the Governor's Pleasure, or endeavour to satisfy the Governor and Council with Reasonableness of the said Bills; which being done, will remove all Doubts and Troubles from our Minds upon that Occasion, and we shall proceed with Chearfulness to finish this General Assembly to the King's Honour, and general Satisfaction of the Governor and Government.

Third Month 31, 1693.

Adjourn'd till Five a Clock To-morrow Morning.

At which Time the House met. The Speaker assumed the Chair, and ordered the Names of the Members to be called over.

Whereupon the two Members sent with the Petition from this House to the Governor, report, That they had delivered it to him; and that he was pleased to tell them, *He would consider thereof.*

It was put to the Question, Whether it be the Opinion and Sense of this House, that the Bill, Number 38. about Supplies, being read a third Time, should be sent to the Governor? *carried in the Affirmative.*

Ordered, That *John White*, and *Edward Blake*, carry the Rolls of the Laws, to present to the Governor; and also the Bill, Number 38. about Supplies.

Who, upon their Return, report to this House, That the

Governor was pleased to tell them, *He would send to the House, in order to a Conference of the Laws proposed;* and that *he hoped they would for the future have a better Opinion of him.*

Resolved, N. C. D. That it is the Opinion of this House, that all Bills sent to the Governor and Council, in order to be amended, ought to be returned to this House, to have their further Approbation upon such Amendments, before they can have their final Assent to pass in Laws.

It was put to the Question, Whether it be the Opinion of this House, that the Paper asserting the Right of this House, assigned by *David Lloyd*, *Samuel Carpenter*, and several other Members of this House, should be entered in the Minute-Book? *carried in the Negative.*

Patrick Robinson, a Member of Council, informs this House, That the Governor requests them to attend him at the Council-Room.

The House adjourn in order thereunto.

Upon their Return the House met. The Speaker assuming the Chair, orders the Names of the Members to be called over.

The Speaker reports to the House, That the Governor would assent to Twenty-two of the Laws proposed, and return the Residue to this House to be amended.

The House having considered of the Amendment proposed by the Governor and Council upon the Bill about Supplies, do assent, that the Time proposed be two Months, as in the Amendment; the same was returned to the Governor by *Patrick Robinson*, a Member of Council. Also the said Member being accompanied with the Rolls of the old Laws, signified to the House, that they were signed by the Governor for Confirmation.

William Salway, and *George Foreman*, two Members of Council, acquaint this House, that it is the Request of the Governor, that they dispatch these Bills under their Consideration for Amendments; and proposed to the said House, whether they would be prorogued, adjourned, or dissolved.

The Petition of *George Heathcott* was read according to the order of the House, and his Complaint exhibited. Whereupon it was put to the Question, Whether Burglary was formerly triable in our County Courts by our late Laws? *carried in the Affirmative.*

George Foreman, a Member of Council, repairing to this House, acquaints them, that the Governor has adjourn'd the Council for one Hour.

The Bill for repealing several of the old Laws, was read a second Time, and *carried in the Affirmative.*

The House having considered of the Amendments proposed on the Bill for Salary to the Members of Assembly, cannot assent to the said Amendments, because the Allowance to the Lieutenant-Governor and Members of Council, ought, as we conceive, to be a Provincial Charge, and would alter the Body of the Bill.

The Bill, about Ferries; the Bill, about Marriages; the Bill, about Provincial Courts; the Bill, about building Bridges; the Bill, about cutting Timber Trees; and the Bill, about regulating Casks, and Measures, all *passed in the Affirmative.* And the House essents to the Amendments proposed to each of the said Bills.

The Law, about *Recording Deeds, passed* with this Amendment *(to prevent any Damage or Inconveniences that may arise for not Recording of Deeds, Gifts, Grants and Charters, enjoined by the late Laws of this Government)* instead of the Preamble.

Ordered, That *Edward Blake* do carry the aforesaid Bills to the Governor.

Adjourn'd for one Hour.

At which Time the House met. The Speaker assuming the Chair, the Names of the Members called over.

The Bill about Appeals, brought back a second Time from the Governor and Council, referred to the farther Consideration of this House, *passed* with the Amendment proposed.

William Salway, and *George Foreman*, two Members of Council, repaired to this House, with a Message from the Governor, to know whether the House had any Thing to present him? And to have their Sense, whether they would be prorogued, adjourned, or dissolved?

Whereupon they gave it as their Opinion to be dissolved.

It was put to the Question, Whether it be the Sense and Opinion of the House, that the Protest of the several Members of this House should be entered on the Minute-Book? *carried in the Affirmative.*

The Protest in these Words following: Philadelphia, Fourth Mo. 1693.

We whose Names are hereunto subscribed, Representatives of the Freemen of this Province in Assembly, do declare, it is the undoubted Right of this House to receive back from the Governor and Council, all such Bills as are sent up for their Approbation, or Amendments: And that it is as necessary to know the Amendments, and debate the same, as the Body of

the Bills: And that the Denial of that Right is destructive to the Freedom of making Laws. And we also declare it is the Right of the Assembly, that before any Bill for Supplies be presented for the last Sanction of a Law, Aggrievances ought to be redressed: Therefore we with Protestation (saving out just Rights in Assembly) do declare, that the Assent of such of us as were for sending up the Bill for the Supply this Morning, was merely in Consideration of the Governor's speedy Departure; but that it should not be drawn into Example or Precedent for the future. DAVID LLOYD, SAMUEL RICHARDSON, JAMES FOX, JOHN SIMCOCK, JOHN SWIFT, SAMUEL PRESTON, SAMUEL CARPENTER, JOHN WHITE, GEORGE MARIS, HENRY POYNTER.

Ordered, That the Records remain in the Clerk's Custody till further Orders.

Adjourn'd to the Governor, in order to be dissolved.

At an ASSEMBLY, *held at* PHILADELPHIA, *the Tenth Day of the* SECOND MONTH, 1694.

The Members elected.

Philadelphia.	Chester.	Kent.
Samuel Richardson,	*David Lloyd,* Speaker.	*John Brinkloe,*
Samuel Carpenter,	*Caleb Pusey,*	*William Freeman,*
Henry Waddy,	*Samuel Levis.*	*Richard Wilson.*
James Fox.		

Newcastle.	Bucks.	Sussex.
John Donaldson,	*William Biles,*	*Thomas Pemberton,*
Edward Blake,	*Phineas Pemberton,*	*Luke Watson,*
Richard Halwell,	*Jonathan Scarf.*	*Roger Corbett.*
Henry Williams.		

The Members of the House being met, proceed to choose their Speaker.———*David Lloyd*, of the County of *Chester*, being unanimously chosen Speaker, was desired to take the Chair (being attended thereto) which accordingly he did.

William Alloway appointed Clerk.

Whereupon the House adjourned to the Governor to present their Speaker, who being approved of by the Lieutenant Governor, returned to their House.

Whereupon it was moved, That a Committee of Grievances might be appointed.

Upon which *Henry Waddy, James Fox, Caleb Pusey, William*

Biles, and *Thomas Pemberton*, were appointed to be a Committee to inspect the same.

The House adjourns to Ten a Clock To-morrow Morning.

At which Time the House met. The Speaker assuming the Chair, ordered the Names of the Members to be called over, which was accordingly done, all being present.

The Committee appointed for Grievances, makes Report to the House, *viz.*

Pennsylvania, ss.

We being appointed a Committee to inspect the Grievances of the several Counties of this Province, &c. do report as followeth: First, *That we have not had the Calalogue of Laws, with the Preamble to them, declared by the Petition of Right in the Assembly last Year to be in Force sent, with the Governor's Approbation of them, into our several Counties, that Justice might have been administered according to the said Laws in the several Courts of our Province, and Counties annexed.* Secondly, *That the late Law for Appeals, which gives Liberty to appeal to the Provincial Court both in Law and Equity, upon one and the same Case, whereby the Judges have too great Liberty to destroy or make void the Verdicts of Juries.* Thirdly, *That the late law for raising Monies by the Justices of Peace in the respective Counties of this Province, and Country, &c. at their Pleasures, without the Approbation of the Grand Jury, or other sufficient Inhabitants of the several Counties, to assist in, and approve the several Taxes to be raised, and to have the Hearing and Examination of the Accounts.* Fourthly, *That we apprehend there have been some Omissions in the Transcribing of the late Laws by the Clerk who was appointed to transcribe them, which have not as yet been corrected: All which we report to be Aggrievances in the said Province, and Counties annexed.* WILLIAM BILES, JAMES FOX, HENRY WADDY, CALEB PUSEY, and THOMAS PENBERTON.

Ordered, That two Members of this House, *viz. William Biles*, and *Thomas Pemberton*, repair to the Governor, to request the Roll of the Laws signed by Governor *Fletcher*, that they may be compared with the Book of Laws, which were afterwards sent by the late Governor, signed by *Joseph Growdon*, then Speaker, with this following Subscription:

Signed by Order of the Assembly, Joseph Growdon, *Speaker.*

And farther, thus,

By his Excellency, BENJAMIN FLETCHER, *Captain-General, and Governor in Chief, of the* Province *of New-York Province*

of Pennsylvania, *and Country* of Newcastle, *and the Territories and Tracts of Land depending thereon, in* America:

"These are, in their Majesties Name, to require and command all Justices, Sheriffs, Constables, and other Officers within the Province of *Pennsylvania*, and Country of *Newcastle*, that they do execute, or cause to be put in Execution the abovesaid Laws, until their Majesties Pleasure shall be further known: Given under my Hand, the first Day of *June*, *Anno Domini*, 1693.

BENJAMIN FLETCHER.

The two Members, upon their Return, informed the House, That having delivered the Governor what they had in Charge concerning the Rolls of the Laws signed by Governor *Fletcher*, after some Discourse had, the Governor ordered the said Members to send to the Secretary in his Name for them to be compared.

Ordered, That *Phineas Pemberton*, *Caleb Pusey*, *Samuel Carpenter*, *Roger Corbett*, be a Committee to draw up a Remonstrance to the Governor and Council, shewing the Aggrievances presented by the Committee, and withal asserting the Rights of this House, with respect to the Adjourning itself; as also requesting. That the Money raised by the *Penny per Pound Act*, might be appropriated to the Use intended.

Adjourn'd till three a Clock in the Afternoon.

At which Time the House met. The Speaker assuming the Chair, ordered the Names of the Members to be called over, which was done.

Whereupon the Committee appointed to draw up the Remonstrance, having effected the same, brought it into this House, and was read as followeth:

To the Lieutenant Governor, and Council of the Province of *Pennsylvania*, Country of *Newcastle*, and Territories thereto belonging,

The Remonstrance of the Representatives of the Freemen of the said Province and Country, in General Assembly met, humbly sheweth:

That whereas we being at this Time convened by Virtue of the Lieutenant Governor's Writs, which gave us no other Expectation but that we might proceed in Legislation, and redressing Aggrievances of the People whom we represent; but since we are given to understand that Governor Fletcher, by Reason of Emergency, is prevented of being present at this Assembly, and so it seems gave Orders to this Effect, That as soon as we were put in a Capacity of acting as an assembly,

we must be adjourn'd before we can accomplish the Country's Business, which we conceive to be not only inconsistent with the Tenor of the said Writs, and the necessary Privileges of a legislative Authority, but also with the Powers granted our Lieutenant Governor by the King and Queen's Letters Patent. ——Therefore desire you take it not amiss, to so far assert our Privileges, as to adjourn ourselves, in case you think not fit in the Chief Governor's Absence, to proceed according to the Writs aforesaid, in order to make Laws, and redress Aggrievances of the Country, some of which are as followeth.

First, *That we have not the Catalogue of the Laws, with the Preamble to them, and the Governor's Approbation, which were by the Petition of Right in the Assembly last Year (to be in Force) that Justice may be administered according to the said Laws in the several Courts of Justice in this Province and Country,* &c.

Secondly, *That the Late Law for Appeals, which gives Liberty to appeal both in Law and Equity, whereby Judges and Justices have too great Liberty to destroy or make void the Verdicts of Juries, without due Care be taken; wherefore we desire the Judges and Justices may receive Instructions and Caution from you, not to decree any thing in Equity, that may make void the Verdicts of Juries, or Judgments before given in Law in the same Cause.*

Thirdly, *That the Power given by the late Law for raising Money by the Justices of the Peace in the respective Counties, may not be made use of to the Dissatisfaction of the Country, but that the Justices may be cautioned, That what Money is raised to defray the Publick Charge of the County, may be done by the Approbation of the Grand Jury; or other sufficient Inhabitants of the several Counties, to assist in, and approve the several Taxes to be raised, and to have the Hearing and Examination of the Accounts of the several Receipts and Disbursements.*

Fourthly, *That the Omissions in the late Laws by the Clerk appointed to transcribe them may be corrected, and the Laws, or such Parts of Laws as are left out, may be entered in the Roll of Laws.*

Fifthly, *That the Money granted to be raised the last Assembly for the Support of this Government, may be accordingly employed to the Use it was intended, and that an Account thereof be given at the next Sitting of Assembly, according to the true Intent of the said Act, and Makers thereof.*

The Roll of the Laws signed by *Joseph Growdon* Speaker,

was read and compared with the Book of Laws, and *Ordered* to be signed by *David Lloyd* Speaker, which he did accordingly.

The House adjourn'd for one Hour.

At the Expiration whereof the House met again. The Speaker assuming the Chair, the Names of the Members called over, and all present.

It was put to the Question, Whether the Remonstrance drawn up by the Committee should be presented to the Governor and Council? *carried in the Affirmative*, N.C.D.

It was also put to the Question, Whether the Speaker should sign the aforesaid Remonstrance? *carried in the Affirmative*, N. C. D.

The Remonstrance being signed, the Speaker with the whole House repaired to the Governor and Council, in order to present the said Remostrance, which being done, the Lieutenant Governor was pleased, as before, to inform the Speaker, and the Representatives then present, how the chief Governor (by Reason that their Majesties Affairs required his Attendance now at *Albany*) had given Orders to adjourn this Assembly till the first of *May* next; but the Speaker, in the Name and Behalf of the Representatives, insisted upon the Privilege of adjourning themselves, according to the Remostrance presented, shewing what Inconveniency attended their being otherwise adjourned, and withal that the Adjournment, as proposed by the Governor, would interfere with the General Meeting of Friends at *Salem*, besides the Hurry it would occasion to those Lower County Members who are in Town, go and come again in so short a Time. Therefore to preserve a good Understanding between the Governor and Assembly, it was proposed, That the Adjournment might be to the Twenty-second Day of the *Third Month*, whereto both Governor, Council and Assembly agreed: And so the Speaker with the Representatives returning to their House again, the Speaker by the Assent of the Representatives adjourned till the Twenty-second Day of the *Third Month*, 1694.

Memorandum, That the Hundred and Eighty-seventh Law, against *Usury*, the Hundred and Eighty-eighth Law, about *Sale of Intestates* Land; the Hundred and Eighty-ninth Law, about *taking Lands in Execution*, may be continued at the next Sitting of Assembly.

Third Month 22. 1694.

At which Time the House met. The Speaker assumed the Chair, and ordered the Names of the Members to be called

over, which was done. But all the Members from *Newcastle* and *Kent* Counties being absent, and *Luke Watson*, of *Sussex* County;

Adjourn'd till Four a Clock in the Afternoon.

At which Time the House met. The Speaker assumed the Chair and ordered the Names of the Members to be called over, which was done and all present.

Ordered, the Clerk to repair to the Secretary for the Returns of the Members of Assembly elected for this Province, and Territories, which, as soon as they were transcribed he brought into the House.

The House adjourned till Eight a Clock Tomorrow Morning

At the Time appointed the House met. The Speaker assumed the Chair, ordered the Names of the Members to be called over there being all present.

Whereupon it was the Sense and Order of the whole House, that all such Members as shall be absent when their Names are called over by the Clerk, shall be fined each *One Shilling* for the first Absence, and for the second, and onward, according to the Discretion of the House.

Patrick Robinson, a Member of Council, came with a Message from the Governor, to inform this House to attend on the Governor forthwith.

Accordingly the House adjourn'd to the Council-Room, to attend the Governor and Council.———Upon their Return, the Speaker assumes the Chair, and briefly repeated the Heads of the Governor's Speech.

Ordered, That *John Donaldson*, *Luke Watson*, *Samuel Richardson*, and *William Biles*, return the Thanks of the whole House to the Governor, for his Speech, and withal to request a Copy thereof.

Upon whose Return, the Governor was pleased by them to acquaint the House, they should have it sent as soon as it could be transcribed; which was accordingly done by *David Jamison*, and by Order of the House read.

Pennsylvania, and *Newcastle*, ss *Philadelphia*, *May* 23, 1694.
Mr. Speaker, and you Gentlemen of the Assembly,

"I Designed to have met you the tenth of the last Month here, according to the Writs which I directed to issue for calling this Assembly. Their Majesties Services required my hasty Repair to *Albany*, upon Intimation that the five *Indian* Nations, who have hitherto been faithful to the Crown of England, were now debauched to the *French* Interest, and entering into a League with the Governor of *Canada*: This De-

fection appeared to me with so ill an Aspect, when I considered the Consequences of it, not only to *New York*, but to this Province, and all the Neighbouring Colonies, that I thought myself obliged to lay all other Business aside, and apply the utmost of my Endeavours, to prevent so great a Mischief, I would willingly have spared myself this Journey, if my Duty to their their Majesties, and my Affections to you their Subjects, of this Province, had not compell'd me to it.

"I am therefore come with a true and unfeigned Zeal for your Safety and Prosperity, to lay before you this Matter; and in order to your full Satisfaction, I have brought with me the Papers relating to the Conference I had lately with these *Indians*, by which you may see what they alledge. I must also asure you, that your *Indians* here will be compelled to join in this fatal Confederacy.

"I have lately seen, with a heavy heart, Fourscore fine Farms all deserted about *Albany*, after the great Expense of the Owners in building and improving; which has been occasioned rather by the Unkindness of our Neighbours, who refused us their Assistance, than by the force of the Enemy: Could we have found Men to secure our advanced Posts, *Canessagioena*, and the *Half Moon*, these Farms would have flourished still. I pray God this Leprosy may spread no farther, but I much doubt, those who have shut their Eyes at a distant Danger, will find it come to their own Doors.

"I am bound, as well in Justice as Gratitude, to acknowledge, our Neighbours in the *Jerseys*, have done more in the common Defense, than all the other adjacent Provinces; they sent us *Four Hundred Pounds* in Silver, sixty-odd proper Men, well armed, who passed upon Duty on the Frontiers one Year; they have now sent up thirty Men at their own Charge, and considered of a Way for their Maintenance during the War.

"*Gentlemen*, I consider your Principles, that you will not carry Arms, nor levy Money to make War, tho' for your own Defence: yet I hope you will not refuse to *feed the Hungry, and clothe the Naked;* my Meaning is, to supply those *Indian* Nations with such Necessaries as may influence them to a Continuance of their Friendship to these Provinces.

"And now, *Gentlemen*, if you will consider wherein I may be useful to you, according to the Tenor of my Commission, in redressing your Grievances, if you have any, you shall find me ready to act by the Rules of Loyalty, with a true Regard to Liberty and Property." *A true Copy*, David Jamison.

Ordered, That *Samuel Carpenter, Edward Blake, Phineas*

Pemberton, *Roger Corbett*, *John Brinkloe*, and *Caleb Pusey*, be appointed a Committee to inspect the Laws of this Province passed the last Assembly; and the Bills remaining upon the Files in this House, with the fair Copies sent to the Governor and Council, in order to be passed into Laws, and make Report thereof: And also to consider of what new Laws, and Amendments of the old Ones, may be material and necessary at this Time.

Ordered, *That Samuel Richardson*, *John Donaldson*, *William Biles*, *Richard Halwell*, *William Freeland*, *Samuel Levis*, *Thomas Pemberton*, and *James Fox*, be appointed to inspect into the Aggrievances of the Inhabitants of this Government.

Adjourned till Eight a Clock To-morrow Morning.

At which Time the House met. The Speaker assuming the Chair, orders the Names of the Members to be called over, which was done: all being present.

The Committee appointed to inspect the Laws made last Assembly, and the Bills remaining on the Files, in this House, *&c.* report, That they have examined an rectified the Laws committed to them, and proposed some Amendments, but could not compleat their Service for want of Time.

The Committee appointed for Aggrievances of the Inhabitants of this Government, do present the following as such.

First, That the Person Commissionated to be Clerk of the Market for the County of *Philadelphia*, hath committed several Misdemeanors in his Office.

Secondly, That there is not an Ordinary appointed in each respective County for the Probate of Wills.

Thirdly, That Care is not taken for taking Security from Clerks and Sheriffs, for the due Execution of their Offices in each respective County.

Fourthly, That there is not more than one Ferry allowed over *Schuylkil* near this Town.

Fifthly, That seizing or taking away a Boat belonging to the Inhabitants of *Hartford*, *Radnor*, *Merioneth*, and *Darby*, is an Aggrievance, and of ill Tendency to the Inhabitants of this Province.

The House adjourns till Five of the Clock in the Afternoon.

At which Time the House met. The Speaker assuming the Chair, ordered the Names of the Members to be called over.

The Committee appointed to inspect the Laws of this Province, made Report to the House, That they had drawn up two Bills only; the one about Robbing and Stealing, the other about Run-away Servants.

Ordered, That *Jonathan Scais* repair to the Council-Room,

and enquire when this House should attend on the Governor, who returns this Answer, That the Governor should not sit in Council this Day, except the Occasions of this House were urgent.

Adjourn'd till Eight a Clock To-morrow Morning.

At which Time the House met. The Speaker assuming the Chair, ordered the Names of the Members to be called over, which was accordingly done, all present, except *William Freeland*, and *Henry Williams*.

Whereupon the Bill of Aggrievances was put to the Qûestion, Whether it should be presented to the Governor? *carried in the Affirmative*, N. C. D.

It was agreed that the above Bill of Aggrievances, should be signed by the Speaker, which accordingly he did; and the whole House adjourn'd to the Council-Room, to present the Bill.

Upon their Return the Speaker assuming the Chair, *&c.* briefly repeating the Heads of Things he had Orders to communicate to the Governor and Council. In their answer thereto, intimated That our Laws pass'd the last Assembly, being transmitted to the King and Council, are lodged with the King's Attorney, who expects *Twenty Guineas* for perusing them, so that the same are not disallow'd.

The Committee appointed to inspect the Laws of this Province, brought into the House these following Bills, which were the first Time read.

The Bill, Number 1. about Tobacco Hogsheads; the Bill, Number 2. about gauging Stone Vessels, or Lighters; the Bill, Numbr 3. about Importation of Tobacco; the Bill, Number 4. about Officers Fees.

Patrick Robinson, a Member of Council, came in Message to this House from the Governor and Council, with the Propositions made by the five Nations of *Indians* to Governor *Fletcher* at *Albany*, which was read by Consent of the House.

The House adjourns till Three of the Clock in the Afternoon.

At which Time the House met. The Speaker assuming the Chair, ordered the Names of the Members to be called over, which was done, all being present.

Ordered, That *Edward Blake*, and *Henry Waddey*, two members of this House, attend on the Governor, to request that he would appoint some Members of Council as a Committee, to meet a Committee of this House, to compare the Rolls of the Laws signed by Governor *Fletcher*, with that signed by the Speaker, and to correct the same; upon whose Return, the House was informed, That the Governor had appointed Lieutenant Gov-

ernor *Markham*, *Andrew Robeson*, *Patrick Robinson*, *George Foreman*, *William Clark*, and *William Salway*, to meet a Committee of this House next second Day, at Eight of the Clock at the old Council-Room.

The Governor' Answer to the Bill of Aggrievances, was brought into the House by *George Foreman*, a Member of Council, and read in the full House, wherein he referred the Complaint against the Clerk of the Market to be heard before the Provincial Judges.

The Petition of *Hector Dix* was read, and referred to the Committee of Aggrievances.

Adjourn'd till Second Day, Eight a Clock in the Morning, being the Twenty-eighth Instant.

At which Time the House met. The Speaker assuming the Chair, ordered the Names of the Members to be called over, all being present.

It was *Ordered*, That *David Lloyd* Speaker, *Edward Blake*, *Samuel Carpenter*, *Phineas Pemberton*, *Roger Corbett*, *John Brinkloe*, *Caleb Pusey*, and *Jonathan Scais*, meet the Committee of Council at the old Council-Room, there to debate and correct the Rolls of Laws as aforesaid.

The House adjourn till Two of the Clock in the Afternoon.

At which Time the House met. The Speaker assuming the Chair, ordered the Names of the Members to be called over, all present except *Richard Wilson*.

The Petition of *Robert Britt* was read, and referred to the Committee of Agrievances, who report, That the Matter in Charge against the said *Britt*, had been debated among them, and was referred to the Governor and Council.

Adjourn'd till Seven of the Clock To-morrow Morning.

At which Time the House met. The Speaker assumed the Chair, ordered the Names of the Members to be called over, all being present except *Samuel Carpenter*, and *Samuel Richardson*.

The Committee appointed to debate, correct and compare the Rolls of Laws with the Committee and Council, reports to the House, That they had examined and corrected the small Omissions of Clerkship in the Roll signed by Governor *Fletcher*, and found it necessary that the Laws about *Robbing* and *Stealing*, being left out by the clerk might be inserted therein; and that the Law about Run-away Servants ought to be inserted in the Roll of Laws signed by the Speaker, and belonging to the Assembly.

Upon which, *Edward Blake* and *Phineas Pemberton* were ordered to attend on the Governor with the aforesaid Laws,

about *Robbing* and *Stealing*, and *Run-away Servants*, and desire to know who he intended to be the proper Judges to hear the Complaint against the Clerk of the Market.

The two Members on their Return acquaint the House, That they had delivered the aforementioned Bills, and that the Governor would send for the House and give his Answer to them; and that if the particular Charges were given against the Clerk of the Market, he would hear them in Council.

The Bill about Tobacco Hogsheads, was read a second Time, and put to Question, Whether it should pass into a Law? *carried in the* Affirmative.

The Bill about Gauging Stone Vessels, or Lighters, read a second Time, and put to the Question, Whether it should pass? *carried in the Affirmative.*

The Bill about importing Tobacco, was read a second Time, and put to the Question, *carried in the Affirmative*, N. C. D. *Luke Watson* only dissenting.

Patrick Robinson, a Member of Council, came with a Message from the Governor to this House, *viz. That the Governor was pleased to assure them, That he would give the same Sanction to the Laws about* Robbing and Stealing, *and* Run-away Servants, *as to the others inserted in the Petition of Right: And that the Consideration of the aforesaid Laws, having in Council expended much Time, ordered this House to attend on him at Two of the Clock in the Afternoon.*

Adjourn'd till Two of the Clock in the Afternoon.

At which Time the House met. The Speaker assuming the Chair, ordered the Names of the Members to be called over all present except *Samuel Carpenter.*

Whereupon *David Jamison* came to request this House to attend the the Governor forthwith.

The House adjourns to the Council-Room to attend on the Governor, and on their Return the Speaker assumed the Chair, and adjourn'd the House till Seven of the Clock Tomorrow Morning, being the 30th Instant.

At which Time the House met. The Speaker assumed the Chair, and ordered the Names of the Members to be called over, which was done, all being present.

The Committee appointed to inspect the Laws, brought into this House the Bills about Weights and Measures, and County Levies.

Ordered, That *Edward Blake* and *Phineas Pemberton* repair to the Secretary, to see the Laws about *Robbing and Stealing*, and *Run-away Servants*, inserted on the back of the Roll of Laws, who returning acquaint the House, That the Secretary

would readily comply with the Order of this House, but could not at present, by Reason of other emergent Occasions.

William Clark. a Member of Council, came from the Governor to know whether this House have any thing to present to him this Forenoon; and also, whether they had further considered the Queen's Letter?

The Bill, Number 4. about Salary to Members of Assembly, was read the first Time.

The Bill, Number 5. about yearly Elections of Members of Assembly, was read a first Time.

The Bill, Number 6. about Debauchery in Officers, read a first Time.

The Bill, Number 7. about Privateers and Pirates, read the first Time.

The Bill, Number 8. about County Levies, read the first Time.

The Bill, Number 9. about yearly Elections of Magistrates, read the first Time.

The Bill, Number 10. about Officers Fees, read a second Time, and put to the Question, Whether it should pass? *carried in the Affirmative.*

The Bill, Number 11. about Weights and Measures, read the first Time.

Something of Amendments being proposed to the Committee appointed to inspect the Laws on the Bill for Appeals, they report to the House, They cannot assent to the Amendments proposed.

The House adjourn till Three a Clock in the Afternoon.

At which Time the House met. The Speaker assuming the Chair, orders the Names of the Members to be called over, and all present.

The Bill, Number 1. about packing Tobacco, and Tobacco Hogsheads, was read the third Time, and put to the Question, Whether it should pass into a Law? *carried in the Affirmative,* N. C. D.

The Bill, Number 3. about Importation of Tobacco by Land from *Maryland,* read a third Time, and put to the Question, Whether it should pass? *carried in the Affirmative.*

The Bill, Number 11. about Weights and Measures, was a second Time read, and put to the Question, Whether it should pass into a Law? *carried in the Affirmative.*

The Bill, Number 12. about Continuation of three Laws, *viz.* Against *Usury.*———about *Sale of Intestates Land;*——— And about taking *Land in Execution for Debt;* read the first Time.

The Bill, Number 4. about Salary to Members of Assembly, was a second Time read, and put to the Question, Whether it should pass into a Law? *carried in the Negative.*

Ordered, That *William Biles* and *William Freeland* attend the Governor and Council with the Bills, Number 1. and Number 2. having passed the House three Times.

The Bill, Number 8. about County Levies, read a second Time, and put to the Question, Whether it should pass? *carried in the Affirmative.*

Ordered, That *Edward Blake*, *Richard Halwell*, *John Brinkloe*, *John Donaldson*, *Thomas Pemberton*, and *William Freeland*, be a Committee to meet and join with the Committee of Council To-morrow Morning, to amend the Bills, Number 1, and 2.

These following Bills, Number 5, 6, 7, and 9. were proposed to have a second Reading, but it was the Sense of the House, that they should be laid aside for the present.

The House adjourn till Six a Clock To-morrow Morning.

At which Time the House met. The Speaker assuming the Chair, ordered the Names of the Members to be called over, all being present.

The Bill, Number 8. about County Levies, was read a third Time, and put to the Question, Whether it should pass into Law? *carried in the Affirmative.*

The Bill, Number 11. about Weights and Measures, was read a third Time, and put to the Question, Whether it should pass into a Law? *carried in the Affirmative*, N. C. D.

The Bill, Number 12. about the Continuation of three Laws, was read a second Time, and put to the Question, Whether it should pass into Law? *carried in the Affirmative.*

The House adjourn till Eleven of the Clock.

At which Time the House met. The Speaker assumes the Chair, and orders the Names of the Members to be called over, all being present except *Richard Wilson.*

The Petition of *Thomas Fairman* was read, and he referred to the Governor and Council.

Adjourned till Three of the Clock in the Afternoon.

At which Time the House met. The Speaker assumed the Chair, orders the Names of the Members to be called over.

Whereupon the Speaker informed the House, how the Governor was pleased to signify instead of indorsing of the Laws about *Robbing and Stealing* upon the said Roll of Laws by the Secretary, that he thought the most expedient Way would be to have the said Laws transcribed, and Request of this House writ underneath the same, signed by the Speaker,

for the affixing thereof to the said Roll in their proper Place, which was accordingly done, with this following Clause subscribed, *viz.*

Whereas the above written Laws about Robbing and Stealing, *were by the Clerk omitted to be entered in the Roll belonging to the Petition of Right, which was signed by the Governor at the last General Assembly held here, in the Year* 1693. *Therefore it is the humble Request of the whole House of Representatives, That the Governor would be pleased to cause the said Laws to be inserted, or affixed to the said Roll, so that the same may be put in Execution as other Laws of the Province.*

Upon the Reading whereof, it was the Sense of the House, that it should be signed by the Speaker, and sent to the Governor, with these following Bills.

The Bill, Number 8. about County Levies; the Bill, Number 10. about Officers Fees; the Bill, Number 12. about the Continuation of Laws; No. About Weights and Measures.

Ordered, That *James Fox*, *Jonathan Scais*, *Henry Waddy*, and *William Freeland*, attend on the Governor to prevent the Bills aforesaid for his Approbation.

George Foreman, a Member of Council repairing to this House, brought the Bills about Importation of Tobacco by Land from *Maryland*, and the Bill about Tobacco Hogsheads, having been passed by the Governor and Council, with the Amendments annexed, which were read, and ordered to be transcribed.———And then adjourned till Eight of the Clock, To-morrow Morning.

At which Time the House met. The Speaker assumed the Chair, and ordered the Names of the Members to be called over, all being present, except *Henry Williams*, *John Brinkloe*, *Roger Corbett*, and *Thomas Pemberton*.

Whereupon the Act of *raising of One Penny per Pound*, made by the Assembly last Year, and the Collectors thereby enjoined to render an Account to this Assembly, not appearing, (the County of *Chester* only excepted) two Members of this House were appointed to go to *Robert Turner*, to desire a Lift of the Money so aforesaid raised in each respective County.

William Clark, and *George Foreman*, two Members of Council, came to acquaint the House, That the Governor did expect to hear from them something in Answer to the Queen's Letter, and what they have done therein, and further, pressed them to dispatch their Affairs, and appoint a Committee of the House to join with a Committee of Council this Afternoon *(viz.*

the Lieutenant-Governor, *Patrick Robinson*, *Andrew Robeson*, *Robert Turner*, and *William Clark)* to confer about the Amendments of the Bill for Continuation of three Laws, and the Bill about Weights and Measures.*

*At a Council held at *Philadelphia*, *June* 1, 1694. His Excellency ordered *William Clark*, and *George Foreman*, Esquires, to acquaint the Assembly, that his Excellency did expect to hear from them, something in Answer to the Queen's Letter, to know what they are doing, and to desire them to dispatch their Affairs, and appoint a Committee of their House to join a Committee of the Council his Afternoon, to confer upon some Amendments of those Bills sent up Yesterday. The Lieutenant-Governor, *Andrew Robeson*, and *William Clark*, Esquires, are appointed the Committee of the Council, to confer with the Committee of the House accordingly this Afternoon.

per Order, PATRICK ROBINSON, *Secretary*.

The House resolved themselves into a Grand Committee of the whole House, to consider how far they had answered the Queen's Letter, and to inspect the Account of the Money raised by the *Penny per Pound Act*, made by the Assembly last Year.

The Speaker again assuming the Chair, reports to the House, That it was the Sense of the Committee to have a further Debate on the Queen's Letter, and the Account of Money raised by the aforesaid Act of *One Penny per Pound*.

Ordered, That *David Lloyd*, Speaker, *Samuel Carpenter*, *Thomas Pemberton*, *Samuel Richardson*, *James Fox*, *Caleb Pusey*, *Henry Williams*, *Phineas Pemberton*, and *John Brinkloe*, meet the Committee of Council, at the old Council-Room, at the third Hour in the Afternoon, to confer on the Amendments of the aforesaid Bill; and that about County Levies.

Adjourn'd till Two a Clock in the Afternoon.

At which Time the House met. The Speaker assuming the Chair, ordered the Names of the Members to be called over,

Adjourn'd till Seven a Clock To-morrow Morning, being the Second Instant.

At which Time the House met. The Speaker assuming the Chair, ordered the Names of the Members to be called over. all appearing, except *Richard Wilson*, whose Wife was sick, he was excused for this time.

The Committee reports to the House, that at the Conference had with the Committee of Council, it was agreed, that

the following Bills shall be in Lieu of the Bill for Continuance of three Laws which had passed this House three Times, *viz.* Bill, Number 13. against Usury, which was read, and put to the Question, Whether it should pass with Amendment? *carried in the Affirmative*, N. C. D.

The Bill, Number 14, about Sale of Intestates Land, was also read, and put to the Question, Whether it should pass into a Law with Amendments? *carried in the Affirmative*, N. C. D .

The Bill, Number 15, about taking Lands in Execution, was read, and put to the question, Whether it should pass with the Amendments? *carried in the Affirmative*, N. C. D.

The two Members appointed to go to *Robert Turner*, for a Lift of Assessment, brought it into the House, which was read, to the End they may inform themselves what Money was raised the last Year, by the *Penny per Pound Act*, which being summ'd up, amounts to *Seven Hundred and Sixty Pounds, Sixteen Shillings and Two-pence*, viz:

Philadelphia, ...	L.314	11	11
Newcastle, ...	143	15	0
Sussex, ...	101	1	9
Kent, ...	88	2	10
Chester, ...	65	0	7
Bucks, ...	48	4	1
	L.760	16	2

George Foreman, a Member of Council, came with a Message to acquaint the House to attend on the Governor forthwith:

Whereupon the House adjourn to the Council-Room.

And on their Return, the Speaker assumed the Chair, and related to the House, how the Governor was pleased to inform them, that all the Bills sent up for his Appropriation were passed, except that about County Levies, which he returned for to be considered, and the Preamble to be left out.

Whereupon the Bill about County Levies was a second Time read, and put to the Question, Whether it should pass with the Amendment? *Carried in the Affirmative.*

The Bill, Number 16. about Salary to Members of Assembly, being again proposed with some Alterations, was read, and put to the Question, Whether it should pass without Amendment? *carried in the Affirmative.*

Adjonrn'd till Three a Clock in the Afternoon.

At which time the House met. The Speaker assuming the Chair, ordered the Names of the Members to be called over; which being done,

The Bill, Number 13, against Usury, was read a second Time, and put to the Question, Whether it should Pass? The Bill, Number 14. about Sale of Intestate Land, read a second Time, and put to the Question, Wheter it should pass? And the Bill, Number 15. about taking Lands in Execution for Debts, was read a second Time, and put to the Question, Whether it should pass? All *resolved in the Affirmative*, N. C. D.

The Bill, Number 16. about Salary to Members of Assembly, was read a second Time, and put to the Question, Whether it should pass with these Amendments, *viz.* that *(Seven Shillings and Six-pence)* be put in Place of *(Nine Shillings)* and *(Five Shillings)* in Place of *(Six Shillings) carried in the Affirmative.*

The House resolves themselves into a Grand Committee, the better to debate of raising Money for the Payment of Provincial Debts, with respect to the two late Governors, *William Markham*, and *Thomas Lloyd*, and the Remainder or Overplus to remain for a Fund, towards the Defraying the necessary Charge which shall hereafter happen.

The House adjourn'd till Nine a Clock Second-day Morning, being the Fourth Instant.

At which time the House met. The Speaker assumed the Chair, and ordered the Names of the Members to be called over, all being present.

Whereupon the Grand Committee's Report was read in these Words, *viz. That the Question was put, Whether* One Penny per pound, *and* Six Shillings per *Head, should be levied, in order to reward* William Markham, *and* Thomas Lloyd, *the two late Deputy-Governors of this Province, and Territories, for their former Service, before the Arrival of Governor Fletcher? viz.* Two Hundred Pounds *to one, and* Two Hundred Pounds *to the Other: The Surplussage or remaining Part for a Fund, to be distributed and disposed by the Governor and* Council for the Time being, toward the answering of the *Charge that may hereafter happen upon any necessary Occasion in this Government, whereof an Account shall be rendered to the next General Assembly.*

The Bill, Number 8. for raising of County Levies, was read, a third Time, and put to the Question, Whether it should pass into a Law? And the Bill, Number 11. about Weights and Measures, was read the third Time, and put to the Question, Whether it should pass? *Both carried in the Affirmative.*

The Bill, Number 13. against Usury, was read a third Time, and put to the Question, Whether it should pass? And the

Bill, Number 14, about Sale of Intestates Land, being read a third Time, and put to the Question, Whether it should pass? Both *carried in the Affirmative*, N. C. D.

The Bill, Number 15. about taking Land in Execution, being read a third Time, was put to the Question, Whether it should pass? And the Bill, Number 16. about Salary to Members of Assembly, was a third Time read, and put to the Question, Whether it should pass into a Law with Amendments? Both *carried in the Affirmative.*

Put to the Question, Whether a Committee shall be appointed to draw a Bill, pursuant to the Resolve of the last Committee? *resolved in the Affirmative.*

Ordered, That *Edward Blake, Luke Watson, William Freeland, Samuel Carpenter, Phineas Pemberton*, and *Caleb Pusey*, be appointed to be a Committee, to draw up the aforesaid Bill.

Adjourn'd till Five a Clock in the Afternoon.

At which Time the House met. The Speaker assumed the Chair, and ordered the Names of the Members to be called over.

Whereupon, *Richard Halwell*, and *Samuel Richardson*, were ordered to attend the Governor and Council with these following Bills, having passed this House three Times, *viz.*

The Bill, Number 1. about Tobacco Hogsheads; Number 2. about Importing Tobacco by land from *Maryland;* Number 8. about County Levies; Number 11. about Weights and Measures; Mumber 13. about Usury; Number 14. about Sale of Intestates Land; Number 15. about taking Lands in Execution; and Number 16. about Salary to Members of Assembly.

The Committee appointed to draw up the Bill, pursuant to the Resolve of the Grand Committee, having effected the same, it was read the first Time, and put to the Question, with Amendments; *carried in the Affirmative.*

Adjourn'd till Six a Clock To-morrow Morning.

At which Time the House met. The Speaker assumed the Chair, and ordered the Names of the Members to be called over, all being present, except *Henry Williams, John Brinkloe, William Freeland, Luke Watson, Thomas Penberton*, and *Roger Corbett.*

Whereupon the Bill about Officers Fees, having passed the House three Times, and having been sent to the Governor, was returned, which was again read, with this Amendment, that *(the Governor's, Secretary's, and Attorney-General's Fees)* should be inserted; carried in the *Affirmative.*

Ordered, That *Richard Halwell*, attend on the Governor, with the said Bill of Officers Fees.

Adjourn'd till Two a Clock in the Afternoon.

At which Time the House met. The Speaker assuming the Chair, and ordered the Names of the Members to be called over, all being present, except, *Henry Williams*, *John Donaldson*, *John Brinkloe*, *Richard Wilson*, *William Freeland*, *Luke Watson*, *Thomas Pemberton*, *Roger Corbett*.

The Question was put, Whether the Bill, for raising *One Penny per Pound*, shall be drawn up, pursuant to the Question proposed? *carried in the Affirmative.*

The Bill Number 17. for raising Money, after the Rate of *One Penny per Pound*, and *Six Shillings per* head, was read a first Time, with Amendments.

Adjourn'd till To-morrow Morning, Seven a Clock, being the sixth Instant.

At which Time the House met. The Speaker assuming the Chair, ordered the Names of the Members to be called over; all were present, except *Edward Blake*, and *John Donaldson*.

A Petition against Tax of *One Penny per Pound*, presented to this House by *Griffith Jones*, *Joseph Wilcox*, *Joshua Carpenter*, and *Charles Read*, on the Behalf of themselves, and several of the Inhabitants of this Province, and County, was read.——Upon the Reading of which, *Samuel Carpenter*, *Phineas Pemberton*, *Edward Blake*, *Caleb Pusey*, and *William* Freeland, were appointed to enquire of the Lieutenant-Governors, *William Markham*, and *Thomas Lloyd*, concerning the Truth of what they had asserted in the said Petition relating to them.

Adjourn'd for Half an Hour.

At which Time the Speaker assumed the Chair, the Members aforesaid returning from the Lieutenant-Governor, and *Thomas Lloyd*, reports to the House, who upon their acquainting them with the said Petition, were pleased to give the said Members the Satisfaction, That the Contents of the said Petition relating to them the said *William Markham*, and *Thomas Lloyd*, is not true in several Respects.

The Bill, Number 17. for raising *One Penny per Pound*, was read the second Time, and put to the Question, Whether it should pass into a Law? *carried in the Affirmative.*

Adjourn'd till Three a Clock in the Afternoon.

At which Time the House met. The Speaker assuming the Chair, ordered the Names of the Members to be called over, all being present.

The Bill for raising One Penny per Pound, was read the

third Time, and put to the Question, Whether it should pass into a Law? *carried in the Affirmative.*

Ordered, That *William Biles*, and *Samuel Richardson*, attend the Governor with the aforesaid Bill, Number 17. upon the Order of the House, signed by the Speaker.

Adjourn'd till Seven of the Clock To-morrow Morning, being the seventh Instant.

At which Time the House met. The Speaker assuming the Chair, ordered the Names of the Members to be called over, all present.

David Jamison repairs to this House from the Governor, and acquaints them to attend on the Governor immediately.

Whereupon the House adjourn to the Council-Room——— On whose Return, the Speaker assumed the Chair, and reported to the House, "That the Governor was pleased to take Notice, how it was inconsistent with his Power, to pass the Bill for raising Money for the two late Deputies, sent in the last Night: And that our naming of Collectors therein, seemed to derogate from the Confidence we reposed in the King's Officer, appointed to gather the last Tax: But if we would methodize the said Bill after another Manner, *viz.* To present the Sum granted to the King, desiring him to appropriate it for the use of the said late Deputies, and for answering the Queen's Letter, for the Assistance of *New-York*, and Defence of *Albany;* which charges as our Neglect, for the Money raised last Year, will not amount, as he says, to above *Five Hundred Pounds*, deducting the Charge and Insolvencies. In the next Place, the Governor insisted upon our Answer to the Queen's Letter, and then he would give us some Answer to the Law we proposed for his passing: And would adjourn the Council till Nine a Clock To-morrow Morning, at which Time we might expect our Recess, either by Prorogation, or Dissolution.

Ordered, That the Speaker draw up an Answer to the Governor's Speech.

Ordered, That a Committee be appointed to enquire into the Privileges of this House, to appropriate the Money raised for publick Uses, or for the Utility of particular Persons without first giving it to the King, and requesting him to appropriate our Money to the Use intended; and whether the Bill proposed for raising Money for the two late Deputies, *&c.* as to the Manner and Method of it, is agreeable to the Practice of Legislators in other Places of the King's Government.

Whereupon *Phineas Pemberton*, *Richard Halwell*, *Samuel Richardson*, and *Luke Watson*, were appointed for the Service aforesaid.

Adjourned till Seven of the Clock To-morrow Morning, being the eighth Instant.

At which Time the House met. The Speaker assumed the Chair, and the Names of the Members called over.

The Committee appointed as aforesaid, brought in an Address of the Freemen of this Province, which was read and put to the Question, Whether it should be transcribed, and signed by the Speaker? *carried in the Affirmative.*

To BENJAMIN FLETCHER, Esq; Captain-General, and Governor in Chief, of this Province of *Pennsylvania*, and County of *Newcastle, &c.* The Address of the Freemen of the said Province, and Country, in General Assembly met, humbly sheweth:

That by thy Speech made Yesterday, we apprehend that thou refused to pass the Bill of a Penny per Pound, *and* Six Shillings *per Poll for raising Money for the two late Deputy Governors, and the Defraying necessary Charges in the Government, in the Method it was then given in, because we did not first give it to the King, and then request him to appropriate the said Money to the Use intended. We desire the said Bill may not be rejected for those Reasons, inasmuch as we can not but assert, that we have an undoubted Right to propose the raising of Money, and appropriate the same for the Untility of private Places, as well as for publick Uses, as in and by the said Bill is intended, being consistent with the Privileges granted us heretofore; and what has been practised in England, here, and in some of our neighbouring Colonies: And as to the Receiver, we have only appointed him to dispose of the Money that is appropriated to the two late Deputies and the rest to be by him paid, as the Governor and Council shall order and appoint.*

Ordered, That *William Biles*, and *Caleb Pusey*, attend on the Governor with the Address, and request of him, Whether he has given the same Sanction to the two Laws which were to be inserted in the Roll of Laws as the other.———Upon their Return they report that the Governor was pleased to tell them, That as to the Bills he intended to call for this House and let them know his Mind concerning them, who further added, that what he had promised he was ready to perform.

The Remonstrance drawn in Answer to the Queen's Letter and Governor's Speech, was read the first Time, and upon the second Reading put to the Question, Whether it should be transcribed, and signed by the Speaker? *carried in the Affirmative*, N. C. D.

Whereupon the said Remonstrance was accordingly signed by the Speaker, and carried up.

Ordered, That *Griffith Jones* be acquainted by *William Biles*, in order to make out his and the rest of the Petitioners Suggestion against the Lieutenant Governors, *William Markham*, and *Thomas Lloyd*, in the Petition presented to this House the 5th Instant, who upon Return of the Members appeared, and requested some Time to give his Answer in regard that others, as well as himself, were concerned; but promised, That what Money was short of *Two Hundred Pounds* given *Thomas Lloyd* by Way of a free Gift, he would make good, and give his Bond for the Payment thereof.

Ordered, *That William Biles* and *Luke Watson* go to *Thomas Lloyd*, and request the original Subscription of the aforesaid Money so given.

The House adjourn till seven of the Clock To-morrow Morning.

At which Time the House met. The Speaker assuming the Chair, orders the Names of the Members to be called over, which was accordingly done, and all being present, *Griffith Jones* appeared, and requested of this House that he might be heard, to which the House assented.

William Clark, a Member of Council, repairing to this House, brought a Paper of Andrew Hamilton's concerning the Post-Office, which referred was to the Consideration of this House, and requested of them an Answer to the Queen's Letter.

The House having considered the aforesaid Paper, do find no Cause at present to add to the Salary belonging to the Post-Office, as established by Law made here last Assembly.

Ordered, That *Edward Blake*, *William Biles*, *John Donaldson*, *Samuel Carpenter*, attend on the Governor and Council with the Remonstrance drawn in Answer to the Queen's Letter and Governor's Speech, and to enquire what is done concerning the Bills sent up: Upon return of the said Members, they report to the House, That the Governor would consider of the said Remonstrance, and that the Bills were then before them.

The Question was put, Whether the Resolve of the House concerning the Post-Office should be signed by the Speaker? *carried in the Affirmative*, N. C. D.

Richard Halwell informs the House, that the Governor had adjourn'd the Council until the Afternoon.

At which Time the House met. The Speaker assumed the Chair, and ordered the Names of the Members to be called over, which being done, and all present.

George Foreman, a Member of Council, came with a Message

from the Governor, and requested this House to attend on him.

Upon which the House adjourn'd to the Council-Room. On their Return, the Speaker reports, that the Governor was pleased to dissolve this House, and accordingly it is dissolved.

His Excellency BENJAMIN FLETCHER, Esq; Captain-General, and Governor in Chief, in and over the Province of *Pennsylvania*, County of *Newcastle*, and Tracts of Land depending, in Council, his Answer to the Representatives Grievances, presented *May* 25, 1694. *See Page* 82.

First, The House of Representatives, amongst other grievances, desired that the Clerk of the Market in *Philadelphia* may be removed from his Office, for several Misdemeanors in the Execution thereof.———His Excellency, in Council, taking into Consideration, that there is no particular Charge against the Clerk of the Market, and it being his Privilege to hear and answer any Accusation which may be brought against him, before proper Judges: *Resolved*, That it is not expedient to remove him, until he be convicted of some Misbehaviour to deserve it.

Secondly, That Representatives having desired, that the Probate of Wills may be done in each County.———His Excellency, in Council, doth agree, that the Wills be proved, and Administration granted in the respective Counties, by such Persons as shall be appointed for that Purpose, by the Ordinary.

Thirdly, The Representatives having desired, that more Ferries may be appointed over *Schuylkill*.———His Excellency understanding that the Appointment of Ferries is the Right of the Proprietary, in Respect and Justice to the Proprietary, hath referred the matter to the Proprietary's Commissioners, who are desired to make their Report thereof.

Fourthly, As to the Complaint, for seizing the Boat, and imprisoning the Boatman.———It appearing to his Excellency to be done by Order of the Lieutenant-Governor and Council, for their proceeding in the Ferriage, contrary to the Proprietary's Appointment, and to his Excellency's Order since, which is also referred to the Commissioners of Propriety.

Vera Copia, per me, PATRICK ROBINSON, *Secretary*.

Resolve of the Committee about a Supply.

Put to the Question, Whether the Bill for raising Money for the two late Deputies, *&c.* sent up last Night to the Governor and Council, for their Concurrence, as to the Manner

or Method of it, with respect to appropriating of Monies to publick Uses, or private Utility of particular Persons, without first giving it to the King, and requesting him to appropriate our Money to the Use intended, be consistent with the Privilege in Legislation, or consonant to the Practice of the King's Government in *New-York?* And whether it is our Privilege to appoint Collectors and Receivers, of our own Nomination, to gather and receive the Taxes to be raised, for paying Country Debts?

The Question of the Grand Committee.

Put to the Question, Whether the Rate of a *Penny per Pound*, and *Six Shillings per Head*, agreed upon by the Grand Committee last Seventh Day, to be raised, partly to gratify the two late Deputies, *Thomas Lloyd*, and *William Markham*, for their former Services, shall be accordingly appropriated by the Bill, with a Proviso, that Part of the Surplussage shall be particularly appointed for making a Present to our own, and other friendly *Indians*, who are and continue faithful to the Crown of *England;* and the rest to be disposed of by the Governor and Council for the Time being, towards the Defraying the necessary Charges within this Government; and Account whereof shall be rendered to the next Assembly, after the said Rate is raised?

At an ASSEMBLY, *held at* PHILADELPHIA, *the Ninth Day of the* SEVENTH MONTH, 1695.

The Members elected.

Philadelphia.	Kent.	Newcastle.
Edward Shippen, Speaker.	*John Betts,*	*Joseph England.*
	William Rodney,	*Valentine Hollingsworth*
Alexander Beardsley.	*William Morton,*	*George Harland,*
James Fox,	*Simon Irons,*	*Edward Gibbs,*
Robert Owen	*Daniel Brown,*	*Henry Hollingsworth.*
John Bevan	*John Hilliard.*	*Cornelius Empson.*
John Parsons.		

Bucks.	Chester.	Sussex.
Joshua Hoopes,	*John Blunston,*	*John Stockley,*
Henry Paxon,	*Bartholomew Coppock,*	*Thomas Oldman,*
Samuel Dark,	*William Jenkins,*	*Joseph Booth,*
Nicholas Walne,	*Robert Piles,*	*Henry Moleston,*
John Swift,	*Walter Forrest,*	*James Peterkill,*
Joseph Miller.	*Philip Roman.*	*Jonathan Bailey.*

The Members of the House being met, proceeded to choose their Speaker.———

Edward Shippen, of the County of *Philadelphia*, being by the Majority chosen Speaker, was desired to take the Chair (being attended thereto) which accordingly he did.

Whereupon it was moved, that three Members should treat with *Sarah Whitpain*, for to hire her Room to sit in.

Upon which *John Blunston*, *Cornelius Empson*, and *Alexander Beardsley*, were desired to treat with her, and bring Report thereof to the House.

Whereupon the House adjourn'd till the eighth Hour Tomorrow Morning, being the tenth Day of the *Seventh Month*.

At which Time the House met. The Speaker assuming the Chair, ordered the Names of the Members to be called over, which was accordingly done, and all being present.

The said three Members report they have agreed with the said *Sarah Whitpain*, for her Room.

Francis Cook is chosen Clerk.

One Member of each County, *viz. James Fox*, for *Philadelphia; John Blunston*, for *Chester; Nicholas Walne*, for *Bucks; Cornelius Empson*, for *Newcastle; John Betts*, for *Kent;* and *James Peterkill, for Sussex;* have obliged themselves to defray the Charge of this House, each for their respective County.

The House is adjourn'd to attend on the Governor and Council, and to meet at *Sarah Whitpain's* House.

Met at *Sarah Whitpain's* House, and all the Members present, except *John Swift*.

Ordered, That *James Fox*, and *Cornelius Empson*, should go and speak with the Governor and Council, to know if they were ready to receive the House in order to present the Speaker.———Who return the Answer, that they are ready.

The House adjourn'd to the Council-Room, to present their Speaker, who being approved by the Governor, returned to their House.

The Members Names were called over by the Speaker, being all present.

Ordered by the House, That is case any Person shall absent himself, being a Member, without Liberty from the Speaker, for the first Offence Reproof, for the second Offence *One Shilling*.

By the major Vote of the House, the Clerk was attested by the Speaker, to keep the Secrets of the House, and to Performance of his Office.

The House is resolved into a Grand Committee, to meet with the Governor and Council, at the Council-Room, at Three of

the Clock. And from thence to the House, the Speaker assuming the Chair, ordered the Names of the Members to be called over, which was done, and all appearing.

The House is adjourn'd till Nine of the Clock To-morrow Morning.

At which Time the House met. The Speaker assuming the Chair, ordered the Names of the Members to be called over, which was done, and all present.

This Day two Members of Council came to this House, *viz. Griffith Jones*, and *John Donaldson*, to acquaint this House, that the Governor hath appointed two Members out of each County for a Committee, and hath desired that this House would be pleased to appoint a Committee to meet with them, to consider of the Queen's Letter, and Governor *Fletcher's* Demands thereupon, and an *Act of Settlement*

Whereupon this House hath appointed *Edward Shippen*, *James Fox*, *Nicholas Walne*, *John Swift*, *John Blunston*, *Robert Piles*, *Cornelius Empson*, *Edward Gibbs*, *William Rodney*, *Simon Irons*, *Jonathan Bailey*, and *Thomas Oldman*, as a Committee of this House, to meet with them, at the Council-House, at Two of the Clock this Day, to consider the Premises, and to make Report To-morrow Morning.

Adjourn'd till To-morrow Morning, the eighth Hour.

At which Time the House met. The Speaker assuming the Chair, ordered the Names of the Members to be called over, which was done accordingly.

Adjourn'd till To-morrow Morning, at the eighth Hour.

At which Time the House met. The Speaker assuming the Chair, ordered the Names of the Members to be called over, which was done accordingly.

And the Remainder of the House, that are not of the other Committee, are likewise resolved into a Committee, to inspect into the Laws, and consider of Amendments, with any other Aggrievances of each County.

The Committee of this House hath chosen *William Jenkins*, Chairman, to consider of the Premises.

Adjourn'd to the Afternoon.

At which Time the House met. The Speaker assuming the Chair, ordered the Names of the Members to be called over, which was done accordingly.

At which Time the House resolved into a Grand Committee, to meet at this House the third Hour this Afternoon, except *John Blunston*, and *Edward Gibbs*, who are ordered to other Business.

At which Time the Committee met, *&c. Nicholas Walne*, chosen Chairman, by Majority.

The Petition of the Inhabitants of the *West* Side *Schuylkill*, for the Establishing of a Ferry, against *William Powell's*, was read and debated, upon which it was put to the Vote, and *carried in the Affirmative.*

A Bill to be prepared, concerning Marriages, as it was read in the Committee, put to the Vote, and *carried in the Affirmative.*

Adjourn'd till the seventh Hour To-morrow Morning.

At which Time the House met, *&c.* All present except *James Fox, Robert Owen, John Bevan, Joseph England*, and *Daniel Brown.*

Debated concerning Judges Salary, Whether they should have *Ten Shillings* per Day each man, and provide for themselves? Put to the Vote, and *carried in the Affirmative.*

The Law about *Testates and Intestates personal and real Estates;* put to the Vote to be amended, and *carried in the Affirmative.*

This Committee adjour'd till the third Hour this Afternoon.

At which Time this Committee met, *&c.*

Adjourn'd till the Second-day Morning, at the sixth Hour, being the Sixteenth Instant.

At which Time this Committee met, and adjourn'd till the fourth Hour in the Afternoon.

At which Time this Committee met, and adjourn'd till the Fourth-day Morning, at the seventh Hour, being the Eighteenth Day.

At which Time this Committee met, and adjourn'd by Consent till the third Hour in the Afternoon.

At which Time they met again, and adjourn'd till To-morrow Morning at the eighth Hour, being the Nineteenth Day of the *Seventh Month.*

At which Time they met again, and adjourn'd till the third Hour in the Afternoon.

At which Time this Committee met again, and *Nicholas Walne*, Chairman, being absent and sick, the said Committee hath chosen *Cornelius Empson*, Chairman in his Room.

This Committee is resolved into a House, the Speaker reassumed the Chair, ordered the Names of the Members to be called over, which was done, and all present, except *Nicholas Walne, Henry Paxon, Edward Gibbs, Jonathan Bailey*, and *Daniel Brown*, deceased.

The Chairman of the Committee makes Report to the House,

That the Petition of the Inhabitants of the *West* Side *Schuylkill*, concerning a Ferry at *William Powell's;* put to the Vote, and *carried in the Affirmative.*

The petition of the Inhabitants of Chester County, for a Ferry at the Rock; put to the Vote, and *carried in the Affirmative.*

Debated concerning Judges Salary, Whether they should have *Ten Shillings per* Day, each Man, and provide for themselves? Put to the Vote, and *carried in the Affirmative.*

The Bill, concerning Marriages, to be mended; and the Law, about *personal and real Estates*, put to the Vote, and *carried in the Affirmative.*

Adjourn'd till To-morrow Morning at the seventh Hour, being the twentieth Day of the *Seventh Month.*

At which Time this House met. The Speaker assumed the Chair, ordered the Names of the Members to be called over, which was done accordingly.

Whether there should be a Member chosen for *Kent* County, in the room of *Daniel Brown*, deceased? *put to the vote and Carried in the Affirmative*, N. C. D.

William Rodney, and *John Betts*, appointed by the House to acquaint the Governor of the said Defect.

Whether, as convened by the Governor's Writ, we may proceed to Legislation? Put to the Vote, and *carried in the Affirmative.*

Whether four Assembly-men, and two Council-men in each County, shall serve as Representatives? Put to the Vote, and *carried in the Affirmative.*

Whether the Choice of Members shall be on the tenth of *March*, and the Time of Sitting, or Meeting to be on the first of *May?* Put to Vote, and *carried in the Affirmative*, N. C. D.

That the Money of this Province, to be made Money of this Government; *agreed upon*, N. C. D.

The Conclusion added to the *Act of Regulation;* put to the vote, and *carried in the Affirmative.*

The Committee's Answer to the Governor's Speech, read, and after a considerable Debate, put to the vote, Whether it should pass? *carried in the Affirmative.*

The Question put, Whether the *Act of Settlement*, and Answer to Governor's Speech, should be sent to the Governor and Council? *carried* in the *Affirmative.*

John Blunston, James Fox, Edward Gibbs, and *William Rodney*, are sent accordingly.

Who returned to the House, and made Report, That they

had delivered their Message, and the Governor and Council had no further Business to present.

Whereupon this House adjourn'd for two Hours.

At which Time the House met. The Speaker assuming the Chair, ordered the Names of the Members to be called over, which was done accordingly.

The Petition of *John Hugg* being read, is rejected by the House, as finding no Ground of Complaint.

Then the House adjourn'd till To-morrow Morning at the Eighth Hour.

At which Time the House met. The Speaker assuming the Chair, ordered the Names of the Members to be called over, which was done accordingly, and all present except *John Blunston*, and *Walter Forrest*.

William Rodney, and *Edward Gibbs*, are sent to the Governor and Council, by Order of the House, to know if they had any Business in Readiness, and returned, Answer should be given in a Quarter of an Hour. At which Time two Members of Council came to this House, and gave their Report, That the Council had adjourn'd till Two of the Clock this Afternoon; and hath requested that this House would be pleased to give them the Meeting at the same Time precisely.

To which Time and Place this House is adjourn'd.

And met again at the House the Twenty-third Day.

The Speaker assumed the Chair, ordered the Names of the Members to be called over, which was done accordingly.

The Petition of *George Heathcott* being read and debated in the House, and his Complaint exhibited:

Whereupon it was put to the Question, Whether Burglary was formerly triable in our County Courts, by our late Laws? *carried in the Affirmative.*

The Petition of *Thomas Herris* was read and debated in the House, and rejected.

The Petition of *William Honey* being read and debated, concerning *John Hilliard*, a Member of this House, who is charged for conveying of his Daughter *Elizabeth* away, unknown to her said Father, *William Honey*, wherein the said Petitioner prayeth this House to impeach the said *John Hillard*, of murdering his said Daughter, and produces two Attestations taken before a Magistrate, to prove the said *Hilliard* was last in her Company, with the Remainder of his Charge.

Whereupon the said *Hilliard* desireth this House to send for *Edward Smout*, which was done accordingly by the Speaker.

Edward Smout, being attested before this House, saith as followeth; being asked when he saw *Elizabeth Honey?* Answered, last *Monday*, being the Sixteenth Instant; and further saith, That *John Hilliard* brought him a Note, to procure a Horse for the said *Elizabeth Honey*, to carry her to the *Falls*, which he did, and helped her thereon, and he believed she was got well there, and is gone; and further saith, That he went to her, and said *Elizabeth*, in the Bushes, near *Wicacoa*, after *John Hilliard* left her, and brought the said Horse to her, which she paid the Hire of herself, and he helped her thereon as aforesaid.

Whereupon this House proceeded to enquire, whether the Evidences produced by *William Honey*, together with this aforesaid Evidence of *Edward Smout*, was sufficient for Impeachment? All of which appearing to us insufficient for Impeachment of Murder; put to the Vote———*carried*, N. C. D.

Adjourn'd till the eighth Hour To-morrow Morning.

At which Time the House met. The Speaker assuming the Chair, ordered the Names of the Members to be called over, which was done accordingly.

The Petition of *Robert Webb*, being read and debated in the House, upon mature Deliberation, have found no Cause of Complaint.

Ordered by the House, That *John Blunston*, and *Alexander Beardsley*, draw up the Bill for the County Levies; and the Bill for Highways.

Ordered by the House, That *James Fox*, and *William Jenkins*, draw up the Bill concerning Marriages; and the Bill for Licences of Ordinaries.

The House is adjourn'd till the second Hour in the Afternoon.

At which Time the House met. The Speaker assuming the Chair, ordered the Names of the Members to be called over, which was done accordingly.

Ordered by the House, That *John Bevan* and *Robert Owen*, prepare a Bill for the Ferry at *William Powell's*.

John Blunston, being appointed to prepare a Bill for the Ferry at the Rock.

John Swift, and *Cornelius Empson*, being appointed to prepare a Bill about Cart-ways.

And the Eighty-fourth Law, concerning *Cursing, Swearing, &c.*

And the Twenty-seventh Law, concerning *Cards, Dice, &c.*

Two Members of Council came to acquaint this House, That

the Council was ready to join in a Grand Committee, Whereupon this House in order thereto, adjourn'd to meet at the Council-Room.

And met again at the House the Twenty-fifth Day. The Speaker assuming the Chair, ordered the Names of the Members to be called over, which was done accordingly.

Moved in the House, That a Committee of Grievances be appointed; and *Resolved*, That *James Fox*, *John Swift*, *Cornelius Empson*, *William Jenkins*, *Robert Piles*, *Joshua Hoopes*, *Jonathan Bailey*, *Thomas Oldman*, and *William Rodney*, are accordingly appointed by the House, and to prepare Bills to redress the same.

The Remainder of this House is resolved into a Committee, to consider of such Laws as are needful to be amended.

Adjourn'd till the ninth Hour To-morrow Morning.

At which Time the House met. The Speaker assuming the Chair, ordered the Names of the Members to be called over, which was done accordingly.

The Committee of Grievances before appointed, made Report to this House, That there are several Grievances to be redressed, *viz*,

That no Man's Hogs, Shoats, or Pigs, shall go at large in any of the three Upper Counties, to the Damage of his Neighbour. That no drest or undrest Deer-skins shall be transported out of this Province, and the same to continue one Year; and in case *West-Jersey* People shall make a Law in Confirmation of the same, within the said Term, then this Law to continue. And that *John Claypoole* be presented to the Governor, as a Man of ill Fame, by this House; and that the Governor and Council be requested to remove him from his Place of Trust: Put severally to the Vote, and *carried in the Affirmative.*

This House is resolved into a Grand Committee, *John Blunston*, by Consent, chosen Chairman.

Adjourn'd to the Council-Room.

The Committee met at this House, and resolved into a House, again, the Speaker assuming the Chair, ordered the Names of the Members to be called over, which was done accordingly; and after several Debates, there came *Anthony Morris*, a Member of Council, to acquaint this House, that the Governor and Council was ready to receive them.———

Whereupon the House adjourned to the Council-Room.——— And returned again.———The Speaker gave Report, That this House was dissolved.

At an ASSEMBLY, *held at PHILADELPHIA, the Twenty-Sixth Day of the* EIGHTH MONTH, 1696. *by Order of the Deputy-Governor's Writs.*

The Members elected.

Philadelphia.	Chester.	Kent.
Samuel Carpenter,	*John Simcock.*	*William Rodney,*
Samuel Richardson,	*Speaker.*	*William Morton,*
James Fox,	*John Blunston,*	*Richard Wilson.*
Nicholas Walne.	*Caleb Pusey.*	

Bucks.	Newcastle.	Sussex.
William Biles.	*John Hussey,*	*Thomas Pemberton,*
Joshua Hoopes,	*Cornelius Empson,*	*Roger Corbett,*
William Paxon.	*George Hogg,*	*John Mires.*
	Adam Peterson.	

The Members of this Assembly all met, except *Samuel Carpenter*, *Richard Wilson*, *Thomas Pemberton*, and *Roger Corbett*, they not being in town.

Two Members were desired to acquaint the Governor and Council, that the Members were ready to attend on them.——— Who returned Answer, that they were ready. Upon which, all the present Members went and attended on the Governor and Council; and the Governor ordered, that the said Members should go together, and choose their Speaker, and present him to the Governor and Council To-morrow Morning at Ten a Clock, to which Time he would adjourn the Council.

Upon which the said Members went together, and by Majority of Votes, chose *John Simcock* to be their Speaker. And by Consent of the Members they were adjourn'd till Ten a Clock To-morrow Morning.

About which Time the Members met, and desired two Members to acquaint the Governor and Council, that they were ready to attend on them; who returned Answer, that they were ready. Upon which all the Members present went and presented their Speaker, who was accepted by the Governor.

The Governor recommended two Things to the Consideration of the Assembly;

First, To consider of the Queen's Letter, in order to raise Money, *&c.*

Secondly, Governor *Penn's* Promise, on his Restoration to this Government.

Upon which the Assembly returned to their House, and adjourn'd for two Hours.

At which Time the Members met at the House of *Samuel Carpenter.*

After several Debates, the Members of the Assembly adjourn'd till Eight a Clock To-morrow Morning.

About which Time the House met, and the Speaker ordered the Names of the Members to be called over, which was done.

Put to the Question, Whether there should be an Answer to the Governor's Speech in Writing, by Way of Remonstrance? *carried in the Affirmative*, N. C. D.

Ordered, by this Assembly, That *Cornelius Empson*, and *James Fox*, do withdraw, and draw up an Answer, by Way of Remonstrance, to the Governor's Speech.

Adjourn'd till the third Hour in the Afternoon.

About which Time the Assembly met, and the Names of the Members were called over.

Two Members of Council were ordered by the Governor to come to this Assembly, to desire that this Assembly would attend on the Governor and Council at the Council-Room, which accordingly they did.

The Governor recommended to the Assembly, the Governor of *York's* Speech to that Assembly, thereby to excite this Assembly to Charity, in relieving the poor *Indians*, whose Corn and Provisions were destroyed by the *French.*

The two Members, *Cornelius Empson*, and *James Fox*, brought into the Assembly a Remonstrance, which was read and considered, and ordered to be read again To-morrow Morning.

Adjourn'd till Nine a Clock To-morrow Morning.

About which Time the Members met, and the Speaker ordered their Names to be called over, which was done.

Ordered, That the Remonstrance should be read, which was done.

Samuel Carpenter having been with the Governor and Council, and signed the Test, *&c.*, was accompanied here by *Patrick Robinson*, a Member of Council, to signify he was qualified to sit in this Assembly.

The Remonstrance was read and amended, and it was put to the Vote Whether it should be fairly transcribed that it might be ready for the Service intended? *carried in the Affirmative*, N. C. D.

Adjourn'd till Eight a Clock To-morrow Morning.

About which Time the House met. The Speaker ordered the Names of the Members to be called over, and all appeared, except three Members, who did not come up from the Lower Counties,

The following Message to the Governor and Council, was read (after being drawn up in the House) and *carried in the Affirmative*, N. C. D. That it should be carried to the Governor and Council, by *Cornelius Empson*, and *William Rodney, viz.*

Whereas the Governor has been pleased to convene us, by his Writs, altho' not in the Form of our Charter, as we could desire; we have obey'd the same, and considered what he has laid before us, viz. an Answer to the late Queen's Letter; and our Proprietary's Promise, upon his Restoration to his Government; and are heartily and unanimously willing and ready to perform our Duty therein, so far as in us lies, if the Governor would be pleased to settle us in our former Constitutions, enjoyed by us before this Government was committed in Governor Fletcher's *Trust.*

Two Members of Council, by Order of the Governor, came to this House, with a Message, That the Governor desired the Attendance of the Assembly. The whole Assembly went to wait on the Governor, to know his Pleasure.

In a little Time the Members returned to their House, and the Speaker makes Report, *Viz.*

"That the Governor delivered a Letter from Governor *Fletcher*, to put the Assembly on making some law for raising Money for Relief of the *Indians, &c.*

Samuel Carpenter, and *Nicholas Walne*, were ordered to go to the Governor, to desire him to appoint a Committee of Council, to meet with a Committee of the Assembly, to consider some weighty Affairs, who returned Answer, that he would.

Adjourn'd till Three a Clock in the Afternoon.

About which Time the Assembly met, and the Speaker ordered the Names of the Members to be called over, which was done, all appearing.

Ordered, That *William Rodney*, and *William Paxon*, wait on the Governor, to let him know that the Assembly is ready to meet with a Committee of the Council.

The said Members returned, and made Report, That the Governor had sent a Messenger for his Council to come to attend him, in order for a Committee to meet with the Assembly.

Ordered, That *Samuel Carpenter, Samuel Richardson, John Blunston, Caleb Pusey, Cornelius Empson, William Rodney, William Biles*, and *John Mires*, be a Committee, to meet with a Committee of the Council To-morrow Morning between the

ninth and tenth Hours, to consider of a Way to answer the Queen's Letter, and preserve the People's Privileges.

The four Members of Council were *William Clark*, *David Lloyd*, *Patrick Robinson*, and *John Hill*.

Adjourn'd till To-morrow at the first Hour in the Afternoon.

About which Time the Assembly met, and the Speaker ordered the Names of the Members to be called over, which was done, and all appeared except *Caleb Pusy*.

The Committee makes a Report, That they have considered of an Expedient to answer the Queen's Letter, and preserve the Peoples Privileges, which is as followeth;

At a Committee the Thirty-first of the *Eighth Month*, 1696.

The Matter commited to Consideration being what may be the best Expedient to answer the Queen's Letter, with this Proviso, That the Governor at the Request of the Assembly, will be pleased to pass an Act with a Salvo to the Proprietary and People; and that he will also issue out his Writs for choosing of a full Number of Representatives on the tenth Day of the First Month *next, to serve in Provincial Council and Assembly according to Charter, until the Proprietary's Pleasure be known therein; and, that if the Proprietary shall disapprove the same, that then this Act shall be void, and no ways prejudicial to him nor the People, in relation to the Validity or Invalidity of the said Charter.*

The aforesaid Report was put to the Question, Whether this House did approve thereof? and it was *carried in the Affirmative*, N. C. D.

The aforesaid Report was put to the Question, Whether it should be presented to the Governor for his Approbation, humbly requesting his Concurrence therewith? *carried in the Affirmative*, N. C. D.

Patrick Robinson, a Member of Council, came with a Message from the Governor, That he with a Quorum of Council was ready, and desired the Assembly to wait on him.

The Assembly in a full Body went to the Governor, *&c.*, and the Speaker delivered the Report, and the Governor's Answer was, That he would let the Assembly know his Mind next Second Day.

This House is adjourned till next Second Day at ten a Clock in the Morning.

About which Time the Assembly met, and the Speaker ordered the Members to be called over, which was done, and all appeared except *Samuel Carpenter*, *Samuel Richardson*, and *William Biles*.

The Speaker by Advice of the House, ordered *Cornelius Empson* and *Nicholas Waine* to wait on the Governor, to know his Answer to the Report.

This House by order of the Speaker is adjourned till the second Hour in the Afternoon.

About which Time the Assembly met, and the Speaker ordered the Members to be called over, and all appeared except *William Biles*.

This House by Order of the Speaker is adjourn'd till Nine a Clock To-morrow Morning.

About which Time the Assembly met, and the Speaker ordered the Members to be called over, and all appeared except *William Biles*.

The Speaker by Advice of the Assembly, ordered *Samuel Richardson* and *William Rodney* to wait upon the Governor, to acquaint him, That the Assembly was ready to attend on him, who returned Answer, That he would send for his Council, and when ready, should send for the Assembly.

John Hill, and *John Brinkloe*, by Order of the Council came to the Assembly to acquaint them, That the Governor and Council were ready, and desired the Assembly to come and attend on him, which accordingly they did.

After a little Time the Assembly return'd to the House, and the Speaker Reports, That the Governor delivered them a Paper of Proposals, which was read and considered.

The Speaker, by Advice of the Assembly, hath appointed *Samuel Carpenter*, *Joshua Hoopes*, *Caleb Pusey*, *Cornelius Empson*, *William Rodney*, and *John Mires*, to be a Committee to prepare a Bill for settling the Government; and likewise to prepare a Bill for Answering the Queen's Letter, and Support of the Government.

The Speaker by Advice of the House adjourn the Assembly till Ten a Clock To-morrow Morning.

About which Time the Assembly met, and the Speaker ordered their Names to be called over, which was accordingly done, and all appeared.

The Committee makes Report to this House, That they have prepared a Bill for settling the Government, which was read and considered.

And the Speaker by Advice of the House, put it to the Question, Whether the said Bill should be fairly transcribed in order for a second Reading? *carried in the Affirmative*, N. C. D.

The Committee makes Report to this House, That they have

prepared a Money Bill, which being read the House has thought fit to consider thereof; and by Order of the Speaker this House is adjourned for one Hour.

About which Time the Assembly met, and the Speaker ordered that the Members should be called over, and all appeared.

The Committee makes Report to this House, That they have prepared a Bill for answering the Queen's Letter and Support of the Government.

The Speaker by Desire of the House, ordered *Samuel Carpenter*, *Caleb Pusey*, and *Cornelius Empson*, to draw up a Paragraph to impower all that make a Scruple of taking an Oath, shall by taking the Test be qualified fully as if they had taken an Oath; which was read, and put to the Question, Whether it should be added to the Bill for settling the Government? *carried in the Affirmative.*

The Money Bill by Order of the Speaker was read, and several Amendments made and agreed on.

Put to the Question, Whether the Money Bill shall be fairly transcribed, in order for a second Reading? *carried in the Affirmative*, N. C. D.

The House by Order of the Speaker is adjourn'd till Nine a Clock To-morrow Morning.

About which Time the Assembly met, and the Speaker ordered their Names to be called over, which was accordingly done and all appeared.

The Money Bill being read the second Time by Order of the Speaker, was *carried in the Affirmative*, N. C. D.

The Bill for the *Act of Settlement* was read the second Time by the Order of the Speaker (with a Salvo that shall be brought in, and agreed on) *carried in the Affirmative*, N. C. D.

The Speaker, by Desire of the House, ordered *William Biles*, *James Fox*, *John Bluston*, *Adam Peterson*, and *William Morton*, to be a Committee to draw up a Bill for County Levies.

The House by Order of the Speaker is adjourn'd for an Hour.

About which Time the Assembly met, and the Speaker ordered their Names to be called over, which was accordingly done, and all appeared.

The Salvo, with an Addition of the Authorizing all Persons that make a Scruple of Conscience for taking an Oath, to be qualified by taking the Test, and subscribing the Declaration and Confession, *&c.*

The Committee makes Report, That they have drawn up a

Bill for raising of the County Levies, which was read and considered.

Put to the Question, Whether the said Bill as it was read should pass into a Law? *carried in the Affirmative*, N. C. D.

Ordered, That *Cornelius Empson*, *William Rodney*, *William Biles*, and *Samuel Richardson*, be a Committee to draw up a Bill for regulating Fees.

This House is adjourned by Order of the Speaker till Nine a Clock To-morrow Morning.

About which Time the Assembly met, and the Speaker ordered the Members to be called over, which was done.

The Committee makes Report, That they have drawn up a Bill for the regulating of Fees, which is read and considered.

Samuel Carpenter, and *Samuel Richardson*, by Order of the Speaker, were sent to the Governor with two Bills, *viz.* the *Act of Settlement*, and the *Act for Support of Government*, for his Perusal, and Concurrence therewith.

The said Members returned with this Answer, That the Governor would peruse the said Bills, and return them to this House this Evening.

The Bill for regulating and bringing the Clerk's Sheriffs, and Attorney-General's Fees to a more Certainty, was read the first Time, and the Speaker put it to the Vote, Whether it should be put into a Law? *carried in the Affirmative*, N. C. D.

The Bill for preventing of Fires in the Towns of *Philadelphia*, and *Newcastle*, was read the first Time, and the Speaker by the Advice of the House put it to the Question, Whether the said Bill should be pass'd into a Law? *carried in the Affirmative*, N. C. D.

This House by Order of the Speaker is adjourned for one Hour.

About which Time the Assembly met, and the Speaker ordered the Members to be called over, which was done.

The Bill for preventing of Fires, in the Towns of *Philadelphia*, and *Newcastle*, was read the Second Time, and the Speaker by Advice of the House put it to the Question, Whether the said Bill should be pass'd into a Law? *carried in the Affirmative*, N. C. D.

Cornelius Empson and *William Rodney*, by Order of the Speaker, were ordered to carry two Bills, *viz.* One for County Levies, and one for regulating and bringing the Clerk's and Sheriff's Fees to a more Certainty, to the Governor for his Perusal and Approbation.

The Governor having perused the two Bills for settling the Government, and for a Rate of *One Penny per Pound* for Sup-

port of Government, returned them *per Samuel Carpenter*, with advice to mend some small Matters which were omitted; by Advice of the Assembly those Words were put in.

The Bill for settling the Government was read a third Time; the Question being put by the Speaker, Whether the said Bill should be pass'd into a Law? *carried in the Affirmative*, N. C. D.

The Bill for raising *One Penny per Pound* for the Support of Government was read a third Time, and in order to be pass'd into a Law; *carried in the Affirmative*, N. C. D.

The Bill for preventing of Hogs, Goats, and Shoats, running at large in the Town of *Chester*, and the Bounds thereof, was read the third Time, and put to the Vote, Whether it should be pass'd into a Law? *carried in the Affirmative*, N. C. D.

This House by Order of the Speaker is adjourn'd till Eight a clock To-morrow Morning.

About which Time the Assembly met, and the Speaker ordered the Members to be called over, which was done accordingly.

The Bill for preventing of Hogs, Goats, and Shoats, running at large in the Town of *Chester*, and the Limits thereof, was read a second Time, and put to the Question, Whether the said Bill should be passed into a Law? *carried in the Affirmative*, N. C. D.

Whereas there is a Bill prepared and passed this House, for raising Three Hundred Pounds *for support of Government, and relieving the distressed* Indians *inhabiting above Albany, in Answer to the late Queen's Letter; and there being immediate Occasion for remitting the same to Colonel* Fletcher *at* York, *to supply the present Necessity; therefore it is ordered, That if any Member of this House, or others, shall forthwith lend or procure Money to answer the same, and pay it according to the said Act, shall be repaid by the Receiver with Interest, of the first money shall come to his Hands.*

The above Minute was put to the Question, Whether it should be an Order of this House? *passed in the Affirmative*, N. C. D.

The Bill for preventing Fires in the Towns of *Philadelphia* and *Newcastle*, was read a third Time, and put to the Question, Whether the said Bill should be pass'd into a Law? *carried in the Affirmative*, N. C. D.

The Bill for preventing of Exactions in Officers Fees, and bringing it to a more Certainty, was read a third Time, and put to the Question, Whether the said Bill should be pass'd into a Law? *carried in the Affirmative*, N. C. D.

The Bill for raising of County Rates, was read a third

Time, and put to the Question, Whether the said Bill should be pass'd into a Law? *carried in the Affirmative*, N. C. D.

The House by Order of the Speaker is adjourned for an Hour.

About which Time the Assembly met, and by Order of the Speaker the Names of the Members were called over.

The Bill for preventing of Goats, Hogs and Shoats, running at large in the Town of *Chester*, and the Limits thereof, was read a third Time; put to the Question, Whether the said Bill should pass into a Law? *carried in the Affirmative*, N. C. D.

Patrick Robinson, and *John Hill*, two Members of Council, were sent from the Governor and Council, to acquaint this House, That the Governor was ready to receive the Assembly, with what they had prepared to offer to the Governor and Council.

The Assembly in a full Body went to the Governor and Council with the aforesaid six Bills, which were ready signed by the Speaker in behalf of the House, and the Speaker delivered them to the Governor for his Assent.

Samuel Carpenter presented to this House a Petition, with an Account annexed, desiring the Assembly to allow him his Disbursement (with interest) which he laid out for taking *Babbett*, and his Men, who stole and carried away a *Bermuda* Sloop from the Town of *Philadelphia*, which said Sloop was likewise re-taken and brought back.

Put to the Question, Whether the said *Samuel Carpenter* shall be paid his Disbursement, being (with Interest) the Sum of *Sixty-three Pounds Eight Shillings*, out of the Provincial Stock? *carried in the Affirmative*.

Patrick Robinson presented to this House a Petition, with an Account annexed, containing divers Articles of Writing for the Service of this Government, from the Year 1693, to the Beginning of this present Sessions, alledging it to be for the Service of this Government, under the Name and Commission of Secretary.

Put to the Question, Whether the said *Patrick Robinson* should be paid the Sum of *Seventy-two Pounds*, out of the Provincial Stock, in full for his said Service, he allowing the Sum or Sums he hath already received from either, or any of the Counties, towards the said Services? *carried in the Affirmative*.

This House by Order of the Speaker is adjourned for two Hours.

About which Time the Assembly met, and the Members were called over by Order of the Speaker.

Ordered, That the Minutes be lodged in the Hands of *James Fox*, until the next Assembly, and that he shall endeavour to give them fairly ingrossed, and the Charge shall be paid out of the Provincial Treasury.

Ordered, That *Samuel Carpenter*, *Samuel Richardson*, and *James Fox*, shall agree with the Clerks for writing the Bills and Minutes, and it shall be paid out of the Provincial Stock.

The Assembly in a full Body went to the Governor and Council with five Bills, which he readily pass'd into Laws: He then enquired whether the Assembly had any Thing further to consider of? To which the Speaker by Advice of the House answered, That they had nothing further to do at present; upon which the Governor said, *I do dissolve you, and hereby you are dissolved.*

At an ASSEMBLY, *held at* PHILADELPHIA, *the Tenth Day of the* THIRD MONTH, 1697.

The Members elected.

Philadelphia.	Chester.	Kent.
Samuel Richardson,	*John Blunston,*	*John Walker,*
James Fox,	Speaker.	*Thomas Bedwell,*
Robert Owen,	*Bartholomew Cop-*	*Samuel Burberry,*
Nicholas Waine.	*pock,*	*John Bradshaw.*
	Thomas Worth,	
	Jonathan Hayes.	

Bucks.	Newcastle.	Sussex.
Joshua Hoopes,	*Cornelius Empson,*	*Luke Watson,*
Stephen Beaks,	*Benjamin Gumley,*	*Thomas Oldmun,*
Richard Hough,	*John Richardson,*	*Nehemiah Field,*
Jeremiah Langhorn.	*John Buckley.*	*Thomas Fisher.*

The Members were sent for to the Governor's, and were qualified to sit, only the *Newcastle* Members, the Return for that County not being sent up, the Sitting of the House was deferred till the twelfth Day, at Ten a Clock in the Morning.

About the Time appointed the House met, and the *Newcastle* Members were qualified to sit. The House proceeded to the Choice of their Speaker, and by Majority of Votes *John Blunston* was chosen Speaker, who was desired to take the Chair (being attended thereto) which accordingly he did. Whereupon the Members presented their Speaker to the Governor, who received him kindly.

The Governor recommended to the Assembly, a Letter, which he had received from Colonel *Fletcher*, which was read and considered. *This for His Majesty's Service, To the Honourable Colonel* WILLIAM MARKHAM, *Governor of* Pennsylvania.

SIR,

"The last Year you sent us *Three Hundred Pounds, Pennsylvania* Money, which was expended in Contingencies, to feed and clothe our *Indians*, as was desired, for which I return Thanks, in the Behalf of this Province. You know what Orders I have for applying for Assistance, and upon what Conditions the Government was restored to the Proprietary.

Your Quota is Eighty Men; and the Charge for one Year will amount to Two Thousand Pounds and upwards; there is not Fifty Men wanting, to compleat the Number of Forces I design to be at *Albany*, of which I do apply to you for Twenty-five, or a proportionable Sum of Money, to answer other Charges with the *Indians*, and of procuring those Men."

I am, Sir, your humble Servant,

BENJAMIN FLETCHER.

New-York, May 4, 1697.

Ordered, That *Samuel Richardson*, and *Cornelius Empson*, go to the Governor, and desire that he would appoint a Committee of Council to meet a Committee of this House, to consider of what Answer may be proper to be given to Colonel *Fletcher's* Letter.

The said Members returned, and report, that the Governor would appoint six Members of Council, to join a Committee of Assembly, to meet at his House at Three a Clock in the Afternoon.

Ordered, That *Samuel Richardson, Nicholas Walne, Joshua Hoopes, Richard Hough, Thomas Worth, Bartholomew Coppock, Cornelius Empson, Benjamin Gumley, Jonathan Walker, John Bradshaw, Luke Watson*, and *Thomas Oldman* be a Committee to join with six Members of Council aforesaid; and the Speaker is desired to be of this Committee likewise.

The Speaker, and *James Fox*, are desired to get a Clerk, and Messenger, to serve during this Sessions.

Then the House adjourn'd till Five a Clock in the Afternoon.

About the Time appointed the House met. The Speaker assuming the Chair, ordered the Names of the Members to be

called over, which was done, all appearing except three Members.

Cornelius Empson, from the Committee, reports, that the Committee had appointed two Members to draw up an Answer to Colonel *Fletcher's* Letter, and present it to the same Committee To-morrow Morning at Seven a Clock, for their Approbation.

James Fox reports, that the Speaker, and himself, had spoken with *Stephen Coleman*, to serve as Clerk of this House, who promised to attend on the House To-morrow Morning.

Daniel Smith was admitted to be Messenger.

Resolves of the Committee, viz.

At a Committee of divers Members of Council and Assembly, appointed to consider of Governor *Fletcher's* Letter, in order to a further Supply, according to the Queen's Letter;

PRESENT,

Members of Council	Members of Assembly	
Samuel Carpenter,	*Samuel Richardson*,	*Cornelius Empson*,
Richard Halwell,	*Nicholas Walne*,	*Benjamin Gumley*,
Phineas Pemberton,	*Joshua Hoopes*,	*Jonathan Walker*,
William Clarke,	*Richard Hough*,	*John Bradshaw*,
Caleb Pusey,	*Thomas Worth*,	*Luke Watson*,
John Curtis.	*Bartholomew Coppock*.	*Thomas Oldman*.

William Clark, chosen Chairman.

Governor *Fletcher's* Letter was read and considered, and whereas it did appear, there had been *Three Hundred Pounds* sent but about six Months ago, and the same borrowed upon Interest, and not yet repaid, and the Province otherwise considerably indebted, that there could be no more Money raised at this Time for the said Service.———Agreed therefore, that *Samuel Carpenter*, and *Phineas Pemberton*, do draw up an Answer accordingly, by To-morrow Morning at Seven a Clock, to be further considered by the Committee.

Adjourn'd till To-morrow Morning.

At a Committee, consisting of several Members of Council, and Assembly, appointed to consider of Governor *Fletcher's* Demands, of a further Assistance to the Government of *New-York*, the twelfth Day of the *Third Month*, 1697.

HAVING *read his Letter, dated May* 4, 1697. *and weightily considered the same, we can do no less than acknowl-*

edge his, and that Government's Regard and Candour to us, in applying the Three Hundred Pounds, *which he pleases to mention, sent from this Government, as intended, viz. to feed and clothe the distressed Indians; only this we would desire, he might be given further to understand, that the said* Three Hundred Pounds *was about six Months ago borrowed at Interest, upon the Credit of an Act of the last Assembly for raising the same, and is not yet repaid. Wherefore considering the Infancy and Poverty of this Government, which also lieth under other considerable Debts, we do not find that we are capable at present to raise any more Money for that Service which we desire our Governor may accordingly represent, with our Readiness to observe the King's further Commands, according to our religious Persuasions and Abilities.*

The Thirteenth Day of the *Third Month*, 1697.

Members of Council all present.———Members of Assembly all present.

The Answer was brought in and debated, and put to the Vote, Whether it should, with the Amendments then made, be returned as an Answer to Governor *Fletcher*'s Letter? *carried in the Affirmative.* (No further Minutes of this Sitting, among the Papers.)

The Petition of RIGHT.

To Benjamin Fletcher, *Captain-General, and Governor in Chief, in and over the Province of* Pennsylvania, *and County of* Newcastle.

We the Freemen of the said Province and Country, in General Assembly met, humbly shew, That whereas the late King CHARLES the Second, in the Three-and-thirtieth Year of his Reign, by Letters Patent, under the Great Seal, of *England*, did, for the Consideration therein mentioned, grant unto WILLIAM PENN, and his Assigns, this Colony or Tract of Land, thereby erecting the same into a Province, calling it *Pennsylvania;* and constituting the said WILLIAM PENN, absolute Proprietary of the said Province (saving amongst other Things the Sovereignty thereof) thereby also granting unto the said WILLIAM PENN, his Deputy and Lieutenants, by Virtue of the said Royal Charter, full, free, and absolute Power by and with the Assent of the Freemen of the said Province, to make, enact, and publish any laws whatsoever, for any End, appertaining to the publick State,

Peace, or Safety of the said Country, or unto the private Utility of particular Persons, according to their best Discretions; which Laws so as aforesaid made and published, the said late King did by the same Letters Patent enjoin, require and command, should be most absolute and available in Law, and that all the Liege People and Subjects of the said late King, his Heirs and Successors, should observe and keep the same inviolably in these Parts: But that the Laws for regulating and governing Property within this Province, and likewise as to Felonies, might be and continue the same as they should be for the Time being, by the said general Course of the Law of *England* (until the said Laws should be altered by the said WILLIAM PENN, and by the Freemen of the said Province, their Delegates or Deputies, or the major Part of them) and to the End the said WILLIAM PENN, or the Inhabitants of this Province, might not at any Time thereafter, by Mis-construction or Colour of the Powers aforesaid, or by Pretence of the said Laws thereafter to be made, should, thro' Inadvertency or Design, depart from that Faith or Allegiance, which by the Laws of *England*, they and all the King's Subjects in his Dominions always owe to him, his Heirs and Successors, he the said late King did by his said Letters Patent, declare it to be his further Will and Pleasure, that a Duplicate of all the Laws so as aforesaid made and published, should within five Years after the making thereof, be transmitted and delivered to the King's Privy Council for the Time being; and if any of the said Laws, within the Space of six Months after that they were so transmitted, should be declared (by the said King, his Heirs or Successors, or his or their Privy Council) inconsistent with the Sovereignty or lawful Prerogative of the said King, his Heirs or Successors, or contrary to the Faith and Allegiance due to the legal Government of *England*, from the said WILLIAM PENN, or the Planters and Inhabitants of the said Province, and that thereupon, any of the said Laws were adjudg'd and declared to be void by the said King, his Heirs or Successors, under his or their Privy Seal, that then and from thenceforth, such Laws, concerning which the said Judgement and Declaration were made, shall become void, otherwise the Laws so transmitted should be, remain and stand in full Force, according to the true Intent and Meaning thereof. By Virtue of which Letters Patent, and pursuant to the Powers, Proviso's and Restrictions therein specify'd, divers reasonable and wholesome Laws were made, transmitted and presented to the said King, and Privy Council.

And whereas the King and Queen that now are over *England, &c.* by their Letters Patent, under their Great Seal dated the twentieth Day of *October*, in the fourth Year of their Reign, having (for the reasons therein mentioned) taken the Government of this Province and Country into their own Hands, and under their immediate Care and Protection, did think fit to constitute and appoint thee the said *Benjamin Fletcher*, to be their Captain-General and Governor in Chief, in and over the same, thereby requiring thee (amongst other Things) to do and execute all Things in due Manner, that shall belong to thy Command, and the Trust reposed in thee by the said King and Queen, according to such reasonable Laws and Statutes as then were in Force, or thereafter should be made and agreed upon by three, with the Advice and Consent of the Council and Assembly of this Country.

Now forasmuch as the Laws of this Government so made, and transmitted as aforesaid, have not been hitherto adjudged or declared (either by the late King and Council, or by his Successors the said King and Queen and their Council, under his or their Privy Seal) to be void; so that such of the said Laws as were not discontinued or repealed by the Legislative Authority of this Government are still in Force. And feeling it hath pleased the said King and Queen so tenderly to regard the happy Government and Comfort, as well as Protection of this Province and Country, as to conserve those our Laws and Constitutions so fitly accomodated to our Circumstances (with respect to tender Consciences as well as Commerce and Cultivation) we can do no less than with Gratitude and Sincerity acknowledge their Royal Bounty, and particular Favour therein, earnestly desiring, That thou would be pleased (according to the Tenor and most favourable Direction of thy Commission) to govern us;——and cause the Administration of Justice within this Government, to be agreeable with these following Laws which are now in Force, as aforesaid, That is to say;

Chapter 1. for *Liberty of Conscience;* 2. *Qualification of Members of Assembly;* 3. and 4. against *Swearing;* 5, and 83. against *prophane Speaking;* 6. against *Cursing;* 7. against *Adultery;* 8. against *Incest;* 11. against *Poligamy;* 12, 87, and 169, against *Drunkenness, &c.* 13, against *such as suffer Drunkenness in their Houses;* 14. against *drinking Healths;* 17. against *breaking into Houses;* 19. against *forcible Entry;* 20. against *Rioters;* 21. against *menacing Parents;* 22. against *menacing Magistrates;* 23. against *menacing Masters or Mis-*

tresses; 24. against *Assaults;* 25. against *Challenging to fight;* 26, and 27. *against rude Sports, Plays, and Games;* 28. against *Sedition;* 30. against *spreading of false News;* 31, against *Scolding;* 35. about *Days of Weeks, Months &c.* 37. about *pleading in English;* 38. about *Trials by twelve Men;* 39, 123, and 150. about *Fees;* 41. about *Defalcation;* 42, 71, and 167. about *Arrests;* 43. about *verbal Contracts;* 45, and 46. about *Wills;* 50. against *Defacers of Charters;* 53. about *goalers;* 54. about *Prisons;* 55. about *false Imprisonment* 56. about the *Manner of Punishment;* 58. about *free Elections;* 59. about *Taxes;* 64. about *Liberty and Property;* 66, about *Summons and Court Proceedings;* 72. against *Derogation of Judgement of Courts;* 74. about *Debtors paying by Servitude;* 75. against *Barrators;* 77. about *Orphans Courts;* 79. about *acknowledging Deeds in Court;* 80. about *seven Years Possession;* 81. about *County Seals;* 82. about *counterfeiting Seals, &c.* 84. about *viewing Pipe-staves;* 90. about *Boats and Canoes;* 91, and 184, about *Fences;* 93. about *firing the Woods;* 96. about *stealing Hogs;* 100. about *Cart-Ways;* 101. about *House of Correction;* 102. about *Weights and Measures;* 108. about *Departure out of the Province;* 114. against *buying Lands of Natives;* 118. against *Murder;* 119. about *binding to the Peace;* 120. about *Fornication;* 125. about *assigning Bills and Specialties;* 126. about *Bills of Exchange;* 131. about *Shipwreck;* 132. about *trusting Mariners;* 134. about *Passes;* 135. against *selling Servants out of the Province;* 136. against *attaching Servants;* 137. about *harbouring Servants;* 138. about *trucking with Servants;* 153, and 180. about *Runaway Servants;* 156. about *Monthly courts;* 164 and 165, about *Robbing and Stealing;* 168. about *Appraisers;* 169. about *Licences for Ordinaries;* 177. about *Juries not appearing;* 178. against *removing Land-Marks;* 181. about *Country Produce current Pay, &c.* 183. about *tanned Leather;* 187. against *Usury;* 188. about *Sale of Intestates Estates, &c.* 189. about *taking Lands in Execution, &c.* 194. about *Witnesses refusing to give Evidence being summoned;* 198. about *the Dike at Newcastle;* 199. about *Rangers;* 200. about *Debts under Forty Shillings;* 201. about *Registry in religious Societies;* 203. about *Surveyor-General's Fees;* all which said Laws and Chapters, and every Part thereof, we humbly desire that thou wilt be pleased to cause thy Officers and Ministers to observe, and put in due Execution, as they tender the Honour of God, the King's Commands, the Prosperity of this Government, and the Rights and Liberties of the free People thereof.

To the Honourable Colonel William Markham, *Governor of* Pennsylvania, *and Dependencies; and to the Honourable Provincial Council, and Representatives met in General Assembly.*

A Memorial offered in Behalf of the Post-Office.

Whereas for several Years past, Offices have been erected in the Chief Sea-port Towns in *North-America*, by Virtue of Letters Patent under the great Seal of *England*, by Means whereof, Letters have been conveyed to, and again, to the great Advantage of these Colonies; yet to the great Loss of the Undertaker of Patentee.

To ease which Expence, upon Applicaion to the trading Colonies, they have granted, *viz New-England Fifty Pounds* a Year, *Connecticut* and *Rhode-Island*, all Ferriages free, which are many and great, and would amount to a vast Sum. *New York* hath ever since the first Settling of the Office, allowed a Salary of *Fifty Pounds* a Year, and a Bitt or Nine-pence that Money, upon every letter from *Philadelphia* to *New-York*, and the same where Distance is Forty Miles from *New-York*, and as much upon every Foreign Letter. I humbly therefore apply myself as above, That this Province would please to take the Post Affair under Consideration, and allow a Salary for some few Years till the Post begin to grow or advance upon the Rate of Inland and Foreign Letters, equal to what is paid at *New-York*.

Philadelphia, May 18, 1697.

Andrew Hamilton.

At an ASSEMBLY, *held at* PHILADELPHIA, *the Tenth Day of the* THIRD MONTH, 1698.

The Members elected.

Bucks.	Chester.	Kent.
Phineas Pemberton,	*Caleb Pusey,*	*Richard Wilson,*
Speaker.	*Samuel Levis,*	*Robert Edmonds,*
Robert Heaton,	*Nathaniel Newlin,*	*Henry Moleston,*
Joseph Kirkbride,	*Robert Carter.*	*William Moreton.*
Henry Baker.		

Philadelphia.	Newcastle.	Sussex.
Anthony Morris,	*Adam Peterson,*	*Thomas Oldman,*
James Fox,	*Edward Gibbs,*	*Jonathan Bailey,*
Samuel Richardson,	*John Grubb,*	*Luke Watson,* jun.,
Andrew Bankson.	*Joseph England.*	*Cornelius Willbank.*

Edward Shippen, and *William Biles,* two Members of Council, being sent from the Governor, reported there was not a sufficient Number of Council as yet come in; therefore desired our Appearance To-morrow Morning at Nine a Clock.

At which Time the Representatives of Assembly met. *William Biles,* and *William Rodney,* two Members of Council came with a Message from the Governor, That he was ready to receive us in order for our Qualification.———We making our Appearance accordingly, and being qualified, the Governor returned us to our House to choose a Speaker.

All the Members being present (except *Henry Baker, Joseph England, Richard Wilson, William Moreton,* and *Luke Watson*) they proceed to choose their Speaker; and *Phineas Pemberton* being chosen, N. C. D. was desided to take the Chair, which accordingly he did. Whereupon the House waited on the Governor, and presented their Speaker, whom he approved; upon which the Governor informed the House, That he had something to lay before them, from the Lords Commissioners of Trade and Plantation, and desired that a Committee of Assembly might be appointed to meet with a Committee of Council to consider thereof.

Whereupon the Assembly returned to their House, and the Speaker assuming the Chair, made Report of what the Governor had recommended.

And *Anthony Morris, James Fox, Samuel Richardson, Joseph Kirkbride, Caleb Pusey, Nathaniel Newlin, Adam Peterson, Edward Gibbs, Robert Edmonds, Henry Molcston, Thomas Oldman,* and *Jonathan Bailey,* were appointed a Committee to meet with a Committee of Council at Three a Clock in the Afternoon in the Assembly-Room.

Jonathan Dickinson was chosen Clerk to this Assembly, and attested to keep secret the Debates of this House, and faithfully to transcribe the Minutes.

Daniel Smith was chosen Messenger, and attested to keep secret the Debates of this House, and the Door in Safely.

Order, That if any Member shall be wanting at the Time of Meeting, according to Adjournment, upon the second Call of the list of Members, without shewing such Reason as shall be approved by the House, or shall absent himself after Ap-

pearance, without License from the House, shall for every Offence pay *Fifteen-pence*, to be disposed of as the House see meet.

Adjourn'd till Nine a Clock To-morrow Morning.

At which Time the House met. The Speaker assuming the Chair, orders the Names of the Members to be called over, all appearing except *Henry Baker* who is sick, *Joseph England*, *Richard Wilson*, *William Moreton*, and *Cornelius Willbank*.

Luke Watson, Representative for Sussex County, having been sick, did not appear before this Day.

Whereupon the House ordered *Henry Moleston*, and *Thomas Oldman*, to go along with him to the Governor and Council, to be there qualified to sit in this House; who being returned, report, That he is qualified.

The Committee appointed Yesterday, report, That they have not yet finished what they were upon, and have adjourn'd till Three a Clock this Afternoon.

Henry Baker not appearing, being hindered by Sickness, is excused; *Joseph England* not appearing, no allowable Excuse is made for him; *Richard Wilson* not appearing, some of the Members of Kent County say, he said in their Hearing, he would not appear on the Assembly.

William Moreton not appearing, one of the Members of Kent County says, That on his Election, *William Moreton* said, he would not appear; for that he being a *Scotch* Man, thought himself not capable to serve as a Member of the House, and if he came up, should be sent home again.

The House adjourn'd till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.* the Members being called over appeared.

John Bewley, Collector of the King's Customs, having exhibited a Memorial to the House, it was read, and referred to the Committee already appointed to take Care that the Acts of Navigation be put in Execution to prevent Frauds.

A Petition from several Persons in the County of Bucks, being read, relating to the making of a Law against Hogs running at large; but no Petition coming in to request their Restraint, the House did not think fit to make any further Procedure than is already done therein.

A Petition of *John Deplovy's* being read, with the Account annexed of Bread and Powder delivered the *Indians*, by Order of *Thomas Lloyd* late Governor, amounting to *Fifty-three Shillings;* desiring the said Account may be allowed, and paid him. ———And after some Debate thereupon, being put to the

question, Whether the said account should be allowed a Provincial Debt, and to be paid? *carried in the Affirmative*, N. C. D.

Put to the Vote, Whether this Account of *John Deplovy's* shall be paid out of the first Tax that shall hereafter be raised upon this Government? *carried in the Affirmative*, N. C. D.

A Petition of *Charles Sanders*, and *Joseph Pidgeon*, being read, with Account annexed of Sundries delivered to the *Indians*, amounting to *Twenty-three Pounds*, *Four Shillings*, and One *Penny*, by Order of *Thomas Lloyd*, and *William Markham*, then Governors, they desiring the said Account may be allowed and paid. And after some Debate thereupon, being put to the Question, Whether the said Account should be allowed a Debt of this Government, and to be paid? *carried in the Affirmative*, N. C. D.

Then put to the Vote, Whether the said Account should be paid out of the first Tax that shall hereafter be raised upon this Government? *carried in the Affirmative*, N. C. D.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* the Members being called over appeared.

The Bill, Number 9. for preventing Stone-Horses (under thirteen Hands high, at two Years of Age) running at large, was read the first Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, N. C. D. and ordered that this Bill be read a second Time.

The Bill, Number 2. concerning Ordinaries, and suppressing Disorders in Ordinary-keepers, was read the first Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, N. C. D. *Ordered* to be read a second Time.

Adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.* all present.

Some Members of Assembly complaining of several Things as Aggrievances, the House voted as followeth, in order to be presented to the Governor and Council, to be redressed.

Upon Debate in the House concerning the Ordinary, requiring and taking Security from Executors upon the Probate of Wills for the Performance thereof, it was voted to be an Aggrievance to give any in that Case, N. C. D.———And ordered that the same be laid before the Governor, that it may be redressed for the future.

Upon Debate that the Office of Probate of Wills, and granting Letters of Administration, be settled in each respective

County within this Government; being put to the Vote, was *carried in the Affirmative*, N. C. D.

It being considered that the Fair at the Center of *Philadelphia*, is of little Service, but rather of ill Tendency; it was put to the Vote, that the same may be recommended to the Governor and Council, to put the said Fair down; *carried in the Affirmative*, N. C. D.

It being also considered, that *John Claypoole* of *Philadelphia*, now Sheriff, being convicted to be a Man of ill Fame, be removed from his Sheriff's Office, and that the same be laid before the Governor and Council; put to the Vote, and *carried in the Affirmative*, N. C. D.

The House upon Debate concerning raising of Money at this present Assembly, to pay the Debts of this Province and Territories, which are allowed, and on Arrears; put to the Vote, and *carried in the Negative*.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* all present except *Adam Peterson*, being sick, is excused.

Richard Wilson of *Kent*, *and Joseph England* of *Newcastle* County, having neglected to give their Attendance at this Assembly; it is therefore the Request of this House, that the Governor would be pleased to issue forth Writs to the Sheriffs of the said Counties, to summon the Freemen to elect others in their Room.

Ordered, That *Edward Gibbs* and *Andrew Bankson* carry the forementioned Aggrievances to the Governor and Council; who being returned, report, that the Governor's Answer was, That it should be read and considered.

Adjourned till Seven a Clock next second Day Morning, being the Sixteenth of the *Third Month*, 1698.

At which Time the House met, *&c.* all appearing except *Anthony Morris*, who is on a Committee by Consent of the House.

Ordered, That *Caleb Pusey*, *James Fox*, *Joseph Kirkbride*, *Edward Gibbs*, *Henry Moleston*, and *Thomas Oldman*, be appointed a Committee, to draw up a Bill for the Continuation of the *Penny per Pound* Tax, and for the re-passing the Laws made in Governor *Fletcher's* Time, and the Laws since; and to consider of a Bill about Felony.

Adjourned till Seven a Clock To-morrow Morning.

At which Time the House met, *&c.* all being present except *James Fox*, and *Luke Watson*, the latter not being well is excused.

Adjourned till three a Clock in the Afternoon.

At which Time the House met, *&c.* all present except *Robert Heaton*, *Henry Moleston*, and *Luke Watson*, the two last excused not being well.

Adjourned till Seven a Clock To-morrow Morning.

At which Time the House met, *&c.* all appeared except *James Fox*, *Edward Gibbs*, *Henry Moleston*, and *Luke Watson*, the two latter being excused.

The Bill, Number 9. for preventing the Running of Stone-Horses at large (under thirteen Hands high, at two Years old) was read a second Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, N. C. D.

The Bill, Number 2. concerning Ordinary-keepers, and suppressing Disorders, was read the second Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, N. C. D.

The Bill, Number 3. for preventing clandestine Marriages, being read the first Time, was put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, N. C. D. and ordered a second Reading.

Adjourned till Three a Clock in the Afternoon.

At which time the House met, *&c.* all appeared except *Henry Moleston*, and *Luke Watson*, who being sick were excused.

Adjourned till Seven a Clock To-morrow Morning.

At which Time the House met, *&c.* all appeared except as above.

The Bill, Number 4. to continue an Act made in the Year 1697 (intituled, *The Law for the speedy collecting the Arrears of Assessment*, laid in 1696, which was to continue in Force until twenty Days after this Assembly, *&c.*) for one Year; being read, was *carried in the Affirmative*, N. C. D.

The Bill, Number 5. to encourage bringing in of Money, to promote Trade, and make Payment more easy within this Province, and Territories; being read, was *carried in the Affirmative*, N. C. D.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* and all appeared.

The Bill, Number 6. against Robbers of Barns, and Stealers of Hogs, *&c.* being read the first Time, *was carried in the Affirmative.*

The Bill, Number 4. to continue the *Penny per Pound* Ace, being read the second Time, and put to the Vote, was *carried in the Affirmative*, N. C. D.

The Bill, Number 3. about Marriages, was read the second

Time, and put to the Vote, *carried in the Affirmative*, N. C. D.

Adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.* all appeared except *Luke Watson*, who is excused being sick.

The Bill, Number 5. for promoting the bringing in of Money, was read a second Time, and *voted in the Affirmative.*

The Bill, Number 6. against Robbers of Barns, and Stealers of Hogs, *&c.* was read a second Time, and *voted in the Affirmative.*

The Bill, Number 7. confirming the Laws of this Government, being read the first Time, and put to the Vote; was *carried in Affirmative*, N. C. D.

The Bill, Number 8. against Pirates, and Privateers, being read the first Time, and put to the vote; was *carried in the Affirmative*, N. C. D.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* all appeared.

Edward Shippen, and *William Biles*, two Members of Council, came from the Governor to acquaint this House, That he had appointed four Members of Council to meet in a Committee with so many Members of Assembly as the House should appoint, to audit the Claims of Debts from the Government.

The Bill, Number 1. for preventing Frauds, and regulating Abuses in Trade within this Province and Counties, being read the first Time, was put to the Vote, and *carried in the Affirmative*, N. C. D.

The Bill, Number 8. against Pirates, and Privateers, was read a second Time, and *voted in the Affirmative*, N. C. D.

Ordered, That *Robert Heaton*, *Anthony Morris*, *James Fox*, *Samuel Levis*, *Edward Gibbs*, *Adam Peterson*, *Henry Mollston*, and *Jonathan Bailey*, be a Committee of this House, to meet a Committee of Council, to adjust the Debts of this Government.

Adjourned till Seven a Clock To-morrow Morning.

At which Time the House met, *&c.* all present except *Anthony Morris*, and *Luke Watson*, the latter being sick is excused.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* all appeared except *Joseph Kirkbride.*

A Petition from the Inhabitants of *Darby*, requesting that a Law may be made to prevent Hogs running at large in their said Township.

A Petition from *Edward Shaw*, a Prisoner in the common

Goal, was read, shewing that he is committed without Writ or Mittimus, and desiring this House to relieve him.

The Bill, Number 7. confirming the Laws of this Government, was read a second Time, and *voted in the Affirmative*, N. C. D.

Upon the Petition of *Edward Shaw*, *Jacob May*, the under Sheriff was sent for by this House, to answer the Complaint of the said Petitioners; who upon his Examination did acknowledge before the House, that he had taken the said *Edward Shaw* into Custody before his Arrest was signed; and that he had detained him Prisoner about seven Days.——— Upon further Enquiry it did appear to this House, that the said *Jacob May* was no-wise lawfully authorized to keep the said *Edward Shaw* a Prisoner in the common Goal.———It was therefore ordered by the House, that the said *Jacob May* should set the said *Edward Shaw* at Liberty, without demanding any Fees, and to bring him before this House.

The Bill, Number 1. for preventing Frauds, and regulating Abuses in Trade within this Province, and Counties annexed, was read a second Time, and *voted in the Affirmative*.

A Petition from some of the Inhabitants of *Philadelphia*, to put down the Pewter and Lead Farthings, was read, and referred to further Consideration.

Adjourned till next Second Day morning at Seven a Clock.

At which Time the House met, &c. absent *Samuel Richardson*, *Jonathan Bailey*, *Cornelius Willbank*, *Robert Edmonds*, and *Luke Watson*, the two latter being sick were excused. ———*Luke Watson* having Leave to go Home, went this Morning.

The above Petition, about Pewter Farthings, was referred to the Governor and Council.

The Bill, Number 1. for preventing Frauds, and regulating Abuse in Trade, was read a third Time, and *voted in the Affirmative*

The Bill, Number 2. concerning Ordinary-keepers, and Suppressing Disorders, was read a third Time, and *voted in the Affirmative*, N. C. D

The Bill, Number 10. to prevent Hogs running at large in the Township of *Darby*, being read the first Time, was put to the Vote, and *carried in the Affirmative*, N. C. D.

Ordered, That *Samuel Richardson*, and *Anthony Morris*, attend the Governor and Council, with the two Bills, Number 1. and 2. and also a Petition to put down Pewter Farthings; who return, and report, they have accordingly delivered them.

The Bill, Number 3. to prevent clandestine Marriages, was read a third Time, and *voted in the Affirmative*, N. C. D.

The Bill, Number 4. to continue *the Penny per Pound* Act, was read a third Time, and *voted in the Affirmative*, N. C. D.

The Bill, Number 5. to encourage the bringing in of Money, and regulating the Rates of Money, was read a third Time, and *voted in the Affirmative.*

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* absent *Samuel Richardson*, *Robert Edmonds*, and *Luke Watson*, the two latter being sick are excused.

The Bill, Number 7. confirming the Laws of this Government, was read a third Time, and *voted in the Affirmative*, N. C. D.

The Bill, Number 8. against Pirates, and Privateers, was read a third Time, and *voted in the Affirmative*, N. C. D.

The Bill, Number 9. to prevent the Running of Stone-Horses at large under thirteen Hands, was read a third Time and *voted in the Affirmative*, N. C. D.

David Lloyd, and *William Rodney*, two Members of Council, brought back the Bill, Number 1. signifying, the Governor and Council requested the Amendments written thereon might be considered, which if assented to, the Bill would readily pass.

Ordered, That *Anthony Morris*, and *Jonathan Bailey*, attend the Governor and Council with the Bills, Number 3, 4, 5, 7, 8, and 9. which have passed this House.

The Bill, Number 1. with the Amendments proposed by the Governor and Council, being read, and put to the Vote, was *carried in the Affirmative*, N. C. D.

The Bill, Number 10. to prevent Hogs running at large in *Darby* Township, was read the second Time, and *carried in the Affirmative*, N. C. D.

The Bill, Number 6. against Robbers of Barns, and Stealers of Hogs, *&c.* was read a third Time, and *voted in the Affirmative*, N. C. D.

Adjourned till Seven a Clock To-morrow Morning.

At which Time the House met, *&c.* absent *Henry Moleston*, and *Luke Watson*, excused.

William Biles, a Member of Council, by Order of the Governor, brought into the House the several Accounts of Debts due from this Government to sundry Persons, adjusted by the Committee of Council and Assembly, appointed for that

Service; and allowed by the Lieutenant Governor and Council, and recommended to this House to be considered of.

The House taking the same into their Consideration, severally *voted*, N. C. D. *viz.*

Patrick Robinson	L. 18	0	0
Thomas Makins, ...	5	3	10
Thomas Curtis, ...	5	10	0
Stephen Coleman, ...	2	0	0
Samuel Carpenter, ...	63	8	0
Charles Sanders, and Company, ...	23	4	1
John Deploby, ...	2	13	0
The County of *Sussex*, ...	45	12	0
Colonel *Hamilton* a Year's Salary, by Act of Assembly, made 1697.	20	0	0
Humphrey Murray, ...	4	16	0
Governor *Markham's* Account of about 8 Years Services as Secretary and Clerk of the Provincial Council; *Voted* (N. C. D.) in full Compensation of his aforesaid Services, ..	150	0	0
David Lloyd, ...	50	0	0

Whereas this House have allowed to Governor *Markham' Fifty Pounds* more than was allowed by the Committee: *Anthony Morris*, and *Adam Peterson*, were sent to the Governor and Council for their Assent to the same.

William Rodney, a Member of Council, returned with the Council's Allowance of what this House had done, in Relation to Governor *Markham's* Services; which Allowance was endorsed, and subscribed by the Secretary, on the Back of the Governor's Account.

The Bill, Number 1. being fair drawn and read, was put to the Vote, and *carried in the Affirmative*, N. C. D.

The Bill, Number 10. to prevent Hogs running at large in *Darby* Township, was read a third Time, and *voted in the Affirmative*, N. C. D.

Ordered, That *Samuel Levis*, and *Edward Gibbs*, attend the Governor and Council with the two Bills, Number 6, and 10. which have passed this House.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* all appearing except *Robert Edmonds*, and *Luke Watson*, the latter having Leave to go home.

Samuel Carpenter, and *William Biles*, two Members of Council, brought in the Bill, Number 5. proposing an Addition.

The above Bill, was returned to the Governor and Council, by two Members of this House, *viz. Caleb Pusey*, and *Andrew Bankson*, with a Proviso to their Addition.

It was put to the Question, Whether we should prepare a Bill at this Assembly, for the raising of Money for the Payment of the Debts of the Government? *carried in the Negative.*

Caleb Pusey, *James Fox*, and *Edward Gibbs*, are appointed further to consider the Bill, Number 6. to make an Amendment.

Adjourned till Eight a Clock To-Morrow morning.

At which Time the House met, *&c.* all appeared except *Edward Gibbs*, and *Luke Watson.*

Ordered, That *Samuel Richardson*, *Anthony Morris*, and *James Fox*, draw up a Bill to regulate the Water-courses in the Streets, and to repair the publick Wharffs of *Philadelphia.*

Adjourned till Three a Clock in the Afternoon at which time the House met &c. and all appeared.

William Clark, and *William Biles*, two Members of Council, came to this House desiring this House to go into a Grand Committee, to join with a Committee of Council.

The Bill, Number 5. was read with its Amendments, and *carried in the Affirmative.*

The Bill, Number 6. was read with its Amendments, and *carried in the Affirmative, N. C. D.*

Ordered, That *Anthony Morris*, and *Adam Peterson*, attend the Governor and Council, with the two Bills, Number 5, and 6.

This House is resolved into a Grand Committee, to join with a Committee of Council.

It is unanimously agreed by this Committee, That a Bill be prepared forwith, that all the Debts of the Government adjusted and allowed at this last Assembly, be paid out of the first Money that is raised by Act of General Assembly in this Government.

Which being done and ended, the Speaker assumed the Chair, and *Caleb Pusey*, and *James Fox*, are appointed a Committee to bring in a Bill, that all the Debts of this Government allowed at this and the last Assembly, be paid out of first Money that is raised by Act of General Assembly.

Adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.* and all appeared.

The Bill. Number 11. for securing the Money due to the several Creditors of the Province and Territories, was read the first Time, and being put to the Vote, was *carried in the Affirmative*, N. C. D.

Ordered, that *Samuel Richardson*, and *Edward Gibbs*, attend the Governor and Council, to see if they have any Thing for this House.

Adjourned till Four a Clock this afternoon.

At which Time the House met, *&c.* and all appeared.

The Bill, Number 11, for securing the Money due to the several Creditors of the Province and Territories, was read the second Time, and *voted in the Affirmative*, N. C. D.

Caleb Pusey, and *Anthony Morris*, were sent with the Bill, Number 11. to the Governor and Council.

Henry Moleston, and *Robert Heaton*, were sent to the Governor and Council, to know it if the Amendments to the Bill, Number 11. were allowed, to return them; which was done accordingly.

Adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.* and all appeared.

The Bill, Number 11, for securing the Money due to the several Creditors of this Province and Territories, was read a Third Time, and *passed in the Affirmative*, N. C. D.

The Bill, Number 12. for regulating and repairing the Streets, Wharffs, Docks, and Water-Courses in Towns, *&c.* was read in the first Time, and *voted in the Affirmative*, N. C. D.

Ordered, that *Anthony Morris*, and *James Fox*, attend the Lieutenant Governor and Council with the Bill, Number 11.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* all appeared except *James Fox*, and *John Grubb*.

The Bill, Number 12. for regulating and repairing the Streets, Wharffs, Docks, and Water-Courses, in Towns, *&c.* was read a second Time, and *voted in the Affirmative*, N. C. D.

Joseph Kirkbride, on urgent Occasions, has Leave of the House to go home.

Adjourned till Eight a Clock To-morrow Morning.

The House met about Four a Clock in the Afternoon, being prevented from meeting at the Time appointed, by Reason of a great Fire which happened in the Town this Morning.

At which Time the Speaker assumed the Chair, *&c.* all appeared except *Anthony Morris*, *Cornelius Willbank*, and those which were excused before, ———and the absent Members.

The Bill, Number 12. for regulating and repairing the Streets, Wharffs, Docks, and Water-Courses in Towns, *&c.* was read a third Time, and *voted in the Affirmative*, N. C. D.

Edward Gibbs, and *Robert Heaton*, were sent to the Gov-

ernor and Council with the Bill, Number 12. and to know whether they had any Thing to offer to this House before they adjourn?

And then the House adjourned till Eight a Clock next Second Day Morning, being the thirtieth Instant.

At which Time the House met, *&c.* and all appeared.

Caleb Pusey, and *Jonathan Bailey*, were sent to the Governor and Council, to know if they had any Business for this House; who return Answer, that they should prepare some against the Afternoon.

Adjourned till Two a Clock this Afternoon.

At which Time the House met, *&c.* and all appeared.

Whereupon the House resolved itself into a Grand Committee, to join with the Council, to debate upon an Address to the King in Vindication of ourselves, against the false Accusations of *Edward Randolph*, and other Persons.

This House being in a Grand Committee of Council and Assembly the thirtieth of the Third Month, 1698. *wherein Joseph Growdon was Chairman, they agreed upon an Address to our Sovereign, King* WILLIAM *the Third, over* England.

The Committee being ended, the Speaker assumed the Chair, and adjourned till Seven a Clock To-morrow Morning.

At which Time the House met, *&c.* and all appeared——— Whereupon the House resolved itself into a Grand Committee, to join the Committee of Council, and signed the Address to the King, *&c.* which being done, the Committee broke up; and the Speaker assuming the Chair, adjourned the House to the Council-Chamber.

The House returned, the Speaker assumed the Chair, *&c.* And reported that Governor and Council had declared, that they had not any further Business with the Assembly, and advised them to return to their House, and adjourn themselves.

Ordered, that *Jonathan Dickinson* have for his Labour and Attendance, as Clerk of this present Assembly, *Five Pounds*, to be paid out of the Stock of the Government.———And that the said *Jonathan Dickinson* have the Keeping of the Records of Assembly; and that he call on *James Fox* for a Blank-book, to record all the Minutes of Assembly that are as yet unrecorded, and that he be paid for doing the same (what he may well deserve) out of the Stock of the Government.

Ordered, that *James Fox* satisfy for the Rent of the House where the Assembly was held this year; and that the Speaker sign an order for the Payment of *Fifty Shillings* to *Daniel Smith*, for his Attendance as Door-keeper and Messenger to

this present Assembly.—And then the House adjourned till further Orders from the Governor.

Acts passed, Number 1, 4, 5, 6, 7, and 12.

At an ASSEMBLY, *held at* PHILADELPHIA, *the Tenth Day of the* THIRD MONTH, 1699.

Representatives of Assembly, according to the Sheriff's Returns.

Bucks.
John Surkett,
John Swift,
Richard Hough,
Enoch Yardly.

Chester.
John Blunston, Speaker.
Robert Piles,
John Worrilaw,
Robert Carter.

Kent.
John Forster,
Thomas Sharp,
Henry Moleston,
James Brown.

Philadelphia.
Anthony Morris,
James Fox,
Isaac Norris,
John Bevan.

Newcastle.
None returned.

Sussex.
William Piles,
William Fisher,
Nehemiah Field,
William Dyer.

David Lloyd, and *John Hill*, two members of Council, being sent from the Governor and Council, informed the House, that they were now a full Council, and were ready to receive the Assembly.

Anthony Morris, and *James Fox*, being requested by the Members of Assembly now met, went to the Governor and Council, to acquaint them that they were not a full House, and to desire that the absent Members might be sent for.

Whereupon the Governor ordered, that all the Members present should come into Council, in order to be qualified.

Upon which, the Members went in a full Body to the Governor, and were qualified; after which they returned to the House, and agreed to meet together To-morrow Morning about Ten a Clock.

The Members met together about Two a Clock.

Two Members of Assembly by Order of the Governor and Council, accompanied *John Swift*, in order that he might be qualified; who returned and reported, that he was qualified.

The Twelfth of the *Third Month*, 1699.

All the Members present except *Richard Hough*, of *Bucks* County (none appeared for *Newcastle*) *Henry Moleston*, and *James Brown* of *Kent*, and *William Dyer* of *Sussex*.

John Blunston was chosen Speaker, N. C. D. —— ——— Whereupon the House went and presented their Speaker to the Governor who was pleased to approve the Choice; and then the Governor recommended to the Assembly, "That they would consider the Reason why several Members are absent? ——And also, that the Proprietary had written something concerning the Coin; and that he thought it convenient to be altered to the Rates it goes at in *New-York*."

The Assembly returned to their House, and the Speaker assuming the Chair, made report of the Governor's Speech.

Richard Hough, accompanied with two Members of Assembly, went to the Governor to be qualified; who report on their Return, that he was qualified.

Stephen Coleman, was chosen Clerk of this Assembly, and attested to keep secret the Debates of the House, and to enter the Minutes Faithfully.

Daniel Smith, was appointed Door-keeper, and attested to keep secret the Debates of the House, and to keep the Door in Safety.

Adjourn'd till Eight a Clock To-morrow Morning, in order forthwith to meet the Council in a Grand Committee.

At which Time the House met, *&c.* absent *Nehemiah Field*, *Henry Moleston*, *James Brown*, and *William Dyer*.

Ordered, that if any Member be wanting at the Time of Meeting, according to Adjournment upon the second Call, without shewing such Reasons as shall be approved of by the House, shall pay the Sum of *Fifteen Pence*; and also the Sum of *Fifteen Pence* for every Hour's Omission after, to be disposed of as the House shall see fit.

Whereupon the House adjourns to meet the Council in a grand Committee.

After some Time the House returns, and the Speaker assuming the Chair, reports to the House, that the Grand Committee had considered of a Report to be made to the Governor concerning *John Donaldson*, and *Joseph Wood*, in the Words following, *viz.*

To the Lieutenant Governor of the Province of *Pennsylvania*, and Counties annexed.

The Report of a Grand Committee of the Members of the Council and Assembly, for the said Province and Counties, *viz.*

May it please the Governor,

The Letter *from* John Donaldson, *directed to thyself; as also that Letter of* Joseph Wood's *directed to the Secretary, which were recommended to our Consideration, we have perused, and do resent the same as a great Indignity, and high Misdeanour against this Government: As also, That the withstanding, preventing, or discouraging of Elections of Representatives for Council and Assembly, is of very ill consequence, and may tend to the Subversion and Overthrow of the Frame and Constitution of this Government, and prove destructive to the Rights and Liberties of the Freemen and Inhabitants thereof. Therefore we are of Opinion, That the said* John Donaldson, *and* Joseph Wood, *ought to be forthwith sent for, to answer the Presmises before this General Assembly; and that some suitable Provision be made this Sitting, to prevent such Miscarriages for the future.*

Ordered, that *Anthony Morris*, and *Nehemiah Field*, attend the Governor and Council, to desire that two Members of Council may be appointed to join two Members of this House, in order to draw up and prepare some Bills; the said Members return, and report, that they will consider of it in a short Time.

David Lloyd, and *Richard Wilson*, two Members of Council, informed this House, that *John Donaldson* being now in Town, and sent for, they desire that a Member out of each County be sent to attend the Governor and Council, to hear what shall be alledged against the said *John Donaldson*.

Ordered, that *Anthony Morris*, *William Biles*, *John Swift*, the Speaker, *Thomas Sharp*, and *James Fox*, be a Committee to attend the Premises.

Two Members of Council informed the House, that four Members of Council were appointed to join some Members of this House in a Committee, to consider of some Bills To-morrow Morning.

Ordered, that *Richard Hough*, *Anthony Morris*, *Isaac Norris*, *Robert Piles*, *John Forster*, and *Nehemiah Field*, be a Committee to join the Members of Council as aforesaid, about Seven a Clock To-morrow Morning.

Adjourned till Nine a Clock To-morrow morning.

At which Time the House met, *&c.* all appeared except Henry *Moleston*, *James Brown*, and *William Dyer*,——and adjourned till three a Clock in the Afternoon.

The House met, *&c.* The six Members appointed by Order of the House, went to attend the Governor and Council, to

hear what *John Donaldson* and *Joseph Wood* could alledge in Vindication of the Letters they had written to the Governor and Secretary. ———Whereupon the House adjourned for one Hour.

At which Time the House met, *&c.* all appeared except Henry *Moleston*, *James Brown*, and *William Dyer*, only *John Swift*, had Leave to go home.

The Speaker, with the other Members appointed to attend the Governor and Council, report *That* John Donaldson *being called before them, and Part of his Letter read, for some Time seemed to vindicate the said Letter, but at last made some small Acknowledgment, That he did not intend any Thing against the Governor or Government; and that it was known that he never acted anything against the Proprietary nor Governor; upon which he was discharged.*

And that Joseph Wood being called in before the Governor and Council, his Letter to the Secretary was read, and his Sham Return considered; whereupon he was sharply reproved for the same; and he there acknowledging his Offence, and that he was sorry for the same, was discharged.

The Law about *the Size and Rates of Tobacco Casks*, being put to Vote, Whether it should be amended? *passed in the Affirmative*, N. C. D.

Adjourned till Nine a Clock To-morrow Morning.

At which Time the House met, *&c.* and adjourned till Two a Clock in the Afternoon.

The House met, *&c.* and all appeared.

The Bill, Number 1. for regulating Elections, was read the first Time, and *voted in the Affirmative*, N. C. D.

The Bill, Number 2. for regulating Ordinaries, was read the first Time, and *voted in the Affirmative*, N. C. D.

The Bill, Number 3. for regulating Bread and Flower Casks, was read the first Time, and *voted in the Affirmative*, N. C. D.

The Bill, Number 4. about High-ways and Roads, was read the first Time, and *voted in the Affirmative*, N. C. D.

The Bill, Number 5. about Stone-Horses, was read the first Time, and *voted in the Affirmative*, N. C. D.

The Bill, Number 6. for continuing the *Penny per Pound* Tax for one Year more, was read the first Time, and *voted in the Affirmative*, N. C. D.

The Bill, Number 7. about Pirates, and Privateers, was read the first Time, and *voted in the Affirmative*, N. C. D.

Isaac Norris is ordered to join with *Phineas Pemberton*, a Member of Council, to prepare a Law for the *Penny per Pound* Bill.

Robert Piles, *John Swift*, *Anthony Morris*, *Richard Hough*, *Nehemiah Field*, and *Thomas Sharp*, are appointed a Committee to inspect into the Account of Charges which have accrued upon Occasion of the Privateers plundering the Town of *Lewes*.

Adjourned for Half an Hour.

The House met, *&c.* and all appeared.

The above Committee return, and report, that the Account of Charges arising on Occasion of the Privateers plundering the Town of *Lewes*, ought to be allowed as Provincial Charge.

The Bill, Number 8. being read the first Time, was put to the Question, Whether the Sum of *Twenty-one Pounds, Thirteen Shillings, and One Penny*, should be allowed as a Provincial Charge? *carried in the Affirmative*, N. C. D.

Adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.* all appearing except *James Fox*.

The Bill Number 1. for regulating Elections, was read a second Time, and *voted in the Affirmative*, N. C. D.

The Bill, Number 2. for regulating Ordinaries, was read a second Time, and *voted in the Affirmative*, N. C. D.

The Bill Number 3. for regulating Bread, and Flower Casks, was read a second Time, and *voted in the Affirmative*, N. C. D.

The Bill, Number 4. about High-ways and Roads, was read a second Time, and *voted in the Affirmative*, N. C. D.

The Bill, Number 5. about Stone-Horses, was read a second Time, and *voted in the Affirmative*, N. C. D.

The Bill, Number 6. for continuing the *Penny per Pound* Tax for one Year more, was read a second Time, and *voted in the Affirmative*, N. C. D.

The Bill, Number 9. for the Rate of *One Penny per Pound*, and *Six Shillings per* Head, upon such as are not otherwise rated, was read the first Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, N. C. D.

Anthony Morris is appointed to go and advise with *Thomas Paschall*, or any other Person, about the Scales and Weights for Money, and report to this House, at their next Sitting.

The Bill, Number 10. about Money Scales and Weights, being read the first Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, N. C. D.

Adjourned till Four a Clock in the Afternoon.

At which Time the House met, *&c.* absent *James Fox*, *Isaac Norris*, and *William Fisher*.

The Bill, Number 3. for regulating Bread and Flower Casks, was read a third Time, and *voted in the Affirmative*, N. C. D.

The Bill, Number 5. about Stone-Horses, was read a third Time, and *voted in the Affirmative*, N. C. D.

The Bill, Number 6. for continuing the *Penny per Pound* Tax for one year more, was read a third Time, and *voted in the Affirmative*, N. C. D.

The Bill, Number 7. about Pirates, and Privateers, was read a second Time, and *voted in the Affirmative*, N. C. D.

The Bill, Number 9. for the Rate of *One Penny per Pound*, and *Six* Shillings per Head, upon such as are not otherwise rated, was read a second Time, and *voted in the Affirmative*, N. C. D.

The Bill, Number 10. about Money Scales and Weights, was read a second Time, and *voted in the Affirmative*, N. C. D.

Adjourn'd till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.* absent *James Fox*, and *Nehemiah Field.*

The Bill, Number 1. for regulating Elections, was read a third Time, and *voted in the Affirmative*, N. C. D.

The Bill, Number 2. for regulating Ordinaries, was read a third Time, and *voted in the Affirmative*, N. C. D.

The Bill, Number 4. about High-ways and Roads, was read a third Time, and *voted in the Affirmative*. N. C. D.

The Bill, Number 7. about Pirates, and Privateers, was read a third Time, and *voted in the Affirmative*, N. C. D.

The Bill, Number 9. for the Rate of *One Penny Per Pound*, and *Six Shillings per* Head, upon such as are not otherwise rated, was read a third Time, and *voted in the Affirmative*, N. C. D.

The Bill, Number 10. about Money Scales and Weights, was read a third Time, and *voted in the Affirmative*, N. C. D.

One Year's Salary more due to Colonel *Hamilton*, as Postmaster, by Act of Assembly, 1697, allowed by the Governor and Council; being put to the Vote, Whether the said Salary should be allowed? *carried in the Affirmative*, N. C. D.

Lawrence Cock's Petition being recommended to this House, by the Governor and Council; it was put to the Vote, Whether his Account of *Nine Pounds*, *Eleven Shillings*, and *Ten Pence Half-penny*, for sundry Disbursements on his being sent to the *Indians*, on Account of the Troubles and other Occasions, should be a Provincial Charge? *carried in the Affirmative*, N. C. D.

Put to the Vote, Whether *Jonathan Dickinson* shall be paid

the Sum of *Five Pounds*, out of the Provincial Stock, for his Services as Clerk of the Assembly last Year? *carried in the Affirmative*, N. C. D.

Samuel Carpenter, and *William Biles*, two Members of Council, came to acquaint the House, that the Governor and Council had allowed the Sum of *Thirty-three Pounds*, to be Paid out of the Provincial Stock, for so much disbursed by the Governor in sending after the Pirates, and to relieve some of the poor People concerned; which being considered by this House, and put to the Vote, it was *carried in the Affirmative*, N. C. D.

Adjourned for half an Hour.

At which Time the House met, *&c.* and all appeared.

A Petition about Skins and Peltry, being recommended to this House by the Governor and Council, in order to be further considered,——was read accordingly.

The Speaker makes Report to this House, that the Bills, Number 1, 2, 3, 4, 5, 6, 7, 9, and 10. are passed into Laws by the Governor and Council.

The Bill, Number 11. about Attachments, and Summons, was read the first Time, and put to the Vote, Whether it should pass? *carried in the Affirmative*, N. C. D.

Adjourned till Four a Clock in the Afternoon.

At which Time the House met, *&c.* and all appeared except *Isaac Norris*.

The Bill, Number 11. about Attachments and Summons, was read a second Time, and *voted in the Affirmative*, N. C. D.—— The Question was put whether the two Members who were sent for by this Assembly should pay the Messenger? carried in the Affirmative and voted accordingly.

Adjourned for half an hour.

At which Time the House met *&c.* and all appeared.

The Bill Number 11 about Attachments and summons was read a third Time and *voted in the Affirmative*, N. C. D. And *Anthony Morris* and *John Swift* were appointed to carry the said Bill, Number 11. to the Governor and Council; who return and inform the House, that the Governor and Council desire the Attendance of this House, which was Obey'd accordingly.

Put to the Vote, Whether *Stephen Coleman* shall be allowed the Sum of *Forty Shillings*, for his Attendance as Clerk, and *Daniel Smith* the Sum of *Twenty Shillings*, as Door-keeper? *carried in the Affirmative*, N. C. D.

Adjourned for Half an Hour.

At which Time the House met, &c. and all appeared.

The Speaker offers himself, with *Anthony Morris* to be assistant with some Members of the Council, in drawing up an Address to be sent to the King and Council.

Adjourned till Ten a Clock To-morrow Morning.

At which Time the House met, &c. and all present.

Ordered That the Minutes of Assembly be put into the Hands of *James Fox*, until the next Assembly, and that he get them fairly engross'd against the said Time, if he can conveniently.

William Biles, a Member of Council, came from the Governor and Council, to inform this House, that the Governor was ready to receive the Assembly, who went accordingly; and the Governor having nothing more for them to do at present dismiss'd them, ordering them to go to their House, and adjourn themselves; which was done accordingly.

By the King's Authority and Special Command, and Order of WILLIAM PENN, *sole Proprietary, and Governor of the Province of* Pennsylvania, *and Territories thereof; the Deputies of the Freemen of the said Province, &c. Assembled themselves at* PHILADELPHIA, *the Twenty-fifth Day of the* ELEVENTH MONTH, 1699, *being the Second Sessions of this* ASSEMBLY.

The Speaker having assumed the Chair, the Governor sent his Secretary with Orders, that the Members present should come into Council.

Whereupon the Members present went to the Governor, and on their Return to the House, the Speaker reports, that the Governor in Council, represented to the Assembly the Occasion of this Convention, which was chiefly to reinforce our former Laws; or by a new Law more vigorously to endeavour the Discouragement of Piracy, and forbidden Trade, fully relating the Odium cast on this Government in that Case; as also, how, earnestly these Things were prest upon him by our Superiors at home; and therefore concernedly prest us to this Undertaking.

Henry Moleston of *Kent* County, and *William Dyer* of Sussex County, not appearing the last Sessions, though returned by the Sheriffs of the respective Counties,——*Anthony Morris*, and *Robert Piles*, two Members of this House, were ordered to go with them to the Governor and Council, that they might be qualified; who returned Answer, that they were qualified accordingly: The Governor also delivered the Returns for the *Newcastle* County Members, with the Petition from some of

the Inhabitants against the Sheriff, for his neglecting to give due Notice of the said Election to a considerable Part of the Inhabitants.

The Speaker ordered the Members Names to be called, all present except *James Brown.*

The Governor, by his Secretary, acquaints the House, that he had appointed two committees of Council to meet together, *viz.* Five about the Law concerning Pirates, and Five about the Law concerning forbidden Trade; and desired this House to appoint Committees to meet and confer with the said Members of Council, about Eight a Clock To-morrow Morning.

The Secretary brought in a Return for the Members to serve in Assembly for the County of *Newcastle*, who were chosen by Virtue of the Governor's Writs, to answer or fill up the Vacancy made by the said County's Neglect, in not choosing according to Law on the last Election Day. The Persons returned, were *Adam Peterson, John Healy, William Howston, William Guest*, for *Newcastle* County.

The Petition of some Inhabitants of Newcastle County was read; upon which it was ordered that the Persons who presented the Petition, and also the Members chosen for the said County, should appear before the House this Afternoon.

Adjourned till Four a Clock in the Afternoon.

At which Time the House met, *&c.* all being present except *James Brown, John Forster*, and *William Dyer.*

Cornelius Empson appeared in Behalf of the Petitioners of *Newcastle* County; after hearing of whom, it was ordered that for the future that Case should make no Precedent, and that the Officer is deemed worthy of Punishment for such Neglect.

A Member of this House being sent to the Governor concerning the qualifying of the Members returned for *Newcastle* County; the Governor sent his Secretary, by whom they were qualified in this House.

Ordered, that *John Swift, Anthony Morris, Robert Piles, William Howston, Henry Moleston*, and *William Dyer*, be a Committee to meet and confer with five Members of Council, concerning the regulating Abuses of legal Trade.

Ordered, that *Richard Hough, Isaac Morris, John Worrilaw, John Healy, John Forster*, and *Nehemiah Field*, be a Committee, to meet and confer with five Members of Council, about the discouraging of Pirates; and that both of the said Committees meet To-morrow Morning about Eight a Clock.

Adjourned till Ten a Clock To-morrow Morning.

At which Time the House met, *&c.* All being present except *James Brown.*

The Committee appointed to confer with the Committee of Council, about regulating Abuses of legal Trade, report, that some Preparation was made for drawing a Bill for the same, but required more Time and further Consideration.

The Committee appointed to confer with the Committee of Council about discouraging Pirates, made return, that they had entered upon it, but wanted Time to proceed; so was referred to further Consideration.

The House having considered what Heads lay before them, ordered *Anthony Morris*, and *Nehemiah Field*, to attend the Governor, to know whether the same Members of Council were continued in a Committee, and till what Time the Council would adjourn? Who returned, that the two Committees before appointed should be still continued, and meet at Three a Clock in the Afternoon.——The two Committees above appointed, are accordingly continued, and ordered to meet with the Committees of Council about Three or Four a Clock in the Afternoon.

Adjourn'd till Nine a Clock To-moorw Morning.

At which Time the House, met, &c. absent *James Brown, William Piles, William Fisher, William Guest, and John Healy*, the latter is excused being sick.

Ordered, That if any Member be wanting at the Time of Meeting according to Adjournment upon the second Call, without shewing such Reasons as shall be approved of by the House, shall pay the Sum of *Fifteen Pence;* and also, the Sum of *Fifteen Pence* for every Hour's Omission, to be disposed as the House shall see fit.

The Committee appointed to meet the Committee of Council concerning the Law against Piracy, report they have not yet finished, but it is still recommended to them to finish.

Samuel Atkins presented a Petition to the House, wherein he complains against *Reyneir Janson;* whereupon a Messenger was sent to call the said *Reyneir* before this House, who appeared, together with the said Petitioner; and after hearing them both, the Matter was referred to further Consideration.

Adjourned till Four a Clock in the Afternoon.

At which Time the House met, &c. absent *James Brown*, and *John Healy*.

Adjourned till next Second Day Morning, at ten a Clock.

At which Time the House met, &c. absent *James Brown*, and *John Worrilaw;* the latter being called a second Time, and not appearing, was fined, which he afterwards paid.

Adjourned till Three a Clock in the Afternoon.

The House Met, *&c.* all appearing except *James Brown.*

A Petition of *David Evans*, a Prisoner in the Goal of *Philadelphia*, upon Suspicion of Piracy, was presented to this House for his Release, which was read.

A Petition of *Robert Bradinham*, a Prisoner in the Goal of *Philadelphia*, upon Suspicion of Piracy, was presented to the House, wherein he earnestly prays to be brought to a Trial, which was read by Order of the House; both which Petitions were referred to the Governor.

Adjourned till Nine a Clock To-morrow Morning.

At which Time the House met, *&c.* all appearing except *James Brown.*

Whereupon *Robert Piles*, and *Isaac Norris*, were sent to acquaint the Governor and Council, that this is a full House; who return, the Governor and Council answered, they were also a full Council, and now preparing Business.

David Lloyd, a Member of Council, brought into the House a Part of the Bill against Privateers, and Pirates, some of which being read, was referred to further Consideration.——— Whereupon *Anthony Morris*, and *John Worrilaw*, were sent to acquaint the Governor and Council, that this House had debated and gone through what lay before them, and desired to know whether they had any Thing further to communicate at this Time?———The Governor made Answer, that he would in a short Time send his Secretary with the Bill against Pirates, *&c.* it being almost finished,———The Secretary, within some Time after, came with the said Bill, and reported, that it was so interlined, that it was not well legible, and therefore desired more Time to write the same over, for the better understanding of this House, which the House assented to; and thereupon adjourned till three a Clock in the Afternoon.

At which Time the House met, *&c.* all appearing except *James Brown.*

The House having debated and gone through the Bill against Piracy, *Isaac Norris*, and *Richard Hough*, were sent to the Governor and Council, to acquaint them of some Objections; and also to desire that they would appoint some of their Members to meet with some of this House to confer about the same.

In order thereunto *David Lloyd*, *Edward Shippen*, and *Caleb Pusey*, three Members of Council, were appointed to meet with *Anthony Morris*, *Richard Hough*, *Robert Piles*, and *John Healy*, four Members of this House, about the same Ob-

jection.———Whereupon the House adjourned till Nine a Clock To-morrow Morning.

At which Time the House met, *&c.* all appearing except *James Brown.*

The Governor sent his Secretary with a Letter to the Proprietary and Governor, from the Lords Justices of *England*, concerning the preventing of illegal Trade; which the Secretary read in the House.

After some Amendments made by this House in the Bill against Piracy, and several Debates and Arguments thereon, it was put to the Vote, Whether the said Bill with the Amendments should pass into a Law? *carried in the Affirmative*, N. C. D.

Adjourned till Four a Clock in the Afternoon.

At which Time the House met, *&c.* all present except *James Brown.*

The Governor sent a Messenger to this House, to know whether they have gone through what lay before them? Whereupon *Isaac Norris* and *William Dyer* were sent to the Governor and Council with the Bill against Pirates, and to acquaint them, that this House had ordered the same Bill with the Amendments they had made (as Relation being had to the Original may appear) to be transcribed, which Transcript was also presented unto them.

The said Members make Return, that the Governor reply'd, if this House would wait awhile, the said Bill should be sent to the House in a short Time, either with their Concurrence or Dissent about the Amendments.

In a short Time after, *Nehemiah Field*, and *John Forster*, were sent to the Governor and Council, to acquaint them, that the House waits to know whether they have any Thing further to communicate this Evening? Who return, the Council repl'd, that they were considering the Amendments this House had made in the Bill lately presented them, and that their Sentiments were, that the said Amendments were by them like to be amended; but it required some Time to go through the same; whereupon the House adjourned till Nine a Clock To-morrow Morning.

At which Time the House met, *&c.* all being present except *James Brown.*

Adjourned till Five a Clock in the Afternoon.

The House met, *&c.* all present except *Isaac Norris*, *William Dyer*, and *James Brown.*

William Clarke, a Member of Council, acquainted the House,

that the Council did not meet till To-morrow Morning, the Business not being prepared.

Adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.* all appeared except *James Brown.*

The aforesaid *James Brown*, having been often called, and not appearing,———and the House being informed that he was in Town, ordered him to be called in, which was accordingly done; and he being examined why he did not appear the last Sessions, since he was returned to serve for the County of *Kent*, as a Member of this House? To which he answered, his House being then newly burnt, he could not; which appearing true, was thought sufficient Excuse of that Time: He then being further ask'd his Reason for not appearing now? He answered, he was advised to the contrary, as being a Person under some scandalous Reports of Piracy, but declared his Innocence; upon which, this House thought fit to commit him; but he declaring he had already given the Governor sufficient Security to answer any Impeachment of that Kind, and that he had been formerly clear'd in *Boston;* he was expelled this House, as unfit to sit here, and dismisst him for the present, till the House might enquire into the Premises, and ordered him to appear again at Four a Clock this Afternoon.

Ordered, That *Anthony Morris*, and *Isaac Norris* go up to the Governor and Council, to enquire whether *James Brown* had given sufficient Security, and to inform them of our Proceedings against him? Who returned Answer, that the Governor, upon the said *Brown's* first coming to Town, had ordered the Sheriff to take him into Custody; upon which, he, the said *Brown*, with his Father-in-Law, *William Markham*, had entered into Bond for *Three Hundred Pounds*, for his appearing, which he thought sufficient Security, considering the Circumstances of the said *Brown.*

The Bill against Piracy, being read in this House, and finding a Clause added, forbidding Trade to *Madagascar*, and *Natoll*, it was put to the Vote, Whether the said Clause should be inserted in the Bill? *passed in the Negative*, N. C. D.

The Bill, Number 1. against Piracy, being read the second Time, it was put to the Vote, Whether the said Bill should pass into a Law? *passed in the Affirmative*, N. C. D.

Ordered, That *John Swift*, and *William Howston*, attend the Governor and Council with the Bill, Number 1. and acquaint them the said Bill had been read the second Time in this

House; and that the House had left out that Clause forbidding Trade to *Madagascar*, *&c.*

The said Members make Return, that they delivered the said Bill, and desired to know Whether the Council had any more Business prepared? The Council answered, they would be ready immediately.

Adjourned till Four a Clock in the Afternoon.

At which Time the House met, *&c.* all appeared except *Richard Hough*, *William Fisher*, and *John Healy*.

James Brown giving his Attendance, was called in; and the House being satisfied with the Security he had already given, dismist him for this Time.

The Secretary, from the Governor and Council, brought the Bill, Number 2. for preventing of illegal Trade, which was read, and several Remarks made therein; whereupon it was put to the Vote, Whether the said Bill, with the said Remarks and Amendments, should pass into a Law? *carried in the Affirmative*, N. C. D.

Adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.* and all being present except *John Swift*, *Isaac Norris*, and *William Howston*.

Ordered, That *Isaac Norris* and *William Dyer* attend the Governor and Council, to acquaint them, that this House having gone through the Bill against illegal Trade, find several Objections therein; and that it was the Request of this House, that the Members of both the Houses might meet together in a Grand Committee, the better to debate and expedite the Business.———The said Members return, and report, that the Council would be ready to receive the House in a Short Time.

David Lloyd, a Member of Council, came from the Governor and Council with a Clause to be added to the Bill, Number 1. for the Approbation of this House.

Ordered, that *Nehemiah Field*, and *Robert Carter*, attend the Governor and Council, to acquaint them, that this House had gone through what was before them, and are ready to meet them in a Grand Committee.———The Members return, and report, that the Governor and Council are ready to receive the House.———Whereupon the House adjourns to the Council-Chamber.

The Members return to their House.

William Rodney, a Member of Council, informs the House, that a Clause in the Bill against illegal Trade, will yet require some Time to debate in Council, and that the Council is about to adjourn till Four a Clock in the Afternoon.———

Whereupon this House adjourned till Four a Clock in the Afternoon.

At which Time the House met, *&c.* and all appeared.——— Then the House adjourned till Ten a Clock next Second Day Morning.

At which Time the House met, *&c.* all being present except *John Swift*, *Enoch Yardly*, *Henry Moleston*, *William Dyer*, and *John Worrilaw.*———*John Swift*, *Henry Moleston*, and *William Dyer*, being called the second Time, and not appearing, when they came into this House were fined, and paid their Fines.

Ordered, that *Henry Moleston* and *John Worrilaw* attend the Governor and Council, to acquaint them, that this House had been met together a considerable Time; and to know if the Bill against Piracy was ready.———The Members return, and report, the Council would get it ready as soon as possible.

Adjourned till Four a Clock in the Afternoon.

At which Time the House met, *&c.* all appearing.

Whereupon *John Swift*, *Richard Hough*, *Anthony Morris*, *Isaac Norris*, *John Blunston*, *Robert Piles*, *William Howston*, *Adam Peterson*, *Henry Moleston*, *William Fisher*, and *Nehemiah Field*, were appointed a Committee to confer with a Committee of Council, about the Bill concerning illegal Trade.

Adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.* all present except *John Forster*, who being sick, is excused.

Ordered, That *William Dyer* and *Adam Peterson* attend the Governor and Council, to know whether they have prepared Business for this House? The said Members return, and brought the Bill against Piracy; and reported, that the Governor desired that the said Bill might be read in this House, with the Clause forbidding Trade to *Madagascar* and *Natoll;* and that he hop'd upon further Consideration thereof, this House would concur with him for Approbation of the same: Whereupon the said Bill, with the Clause aforesaid, was read, and put to the Vote, Whether the Clause be inserted in the said Bill? *carried in the Affirmative*, N. C. D.

Anthony Morris, and Isaac Norris, were ordered to attend the Governor and Council, to be informed of the Place called *Natoll;* and that something might be added to the Clause forbidding Trade to *Madagascar* and *Natoll*, to shew that we have been hitherto clear of Trade in those Parts.

The Members return, and report, that *Natoll* is a Place upon the Main, near *Madagascar*, where it is supposed the Pirates

intend to remove their Magazines and Trade; and also brought the requested Addition to the said Bill.

The said Clause being added to the Bill against Pirates, being read, and put to the Vote, Whether the said Bill, with the Clause, should pass into a Law? It was *carried in the Affirmative*, N. C. D.

Adjourned till Four a Clock in the Afternoon.

At which Time the House met, *&c.* all present except *John Swift*, and *John Healy*.

The Bill against Pirates, *&c.* with the Amendments, being read three Times in the House, it was put to the Vote, Whether the said Bill, with the Amendments, should pass into a Law? *carried in the Affirmative*, N. C. D.

Adjourned till Nine a Clock To-morrow Morning.

About which Time the House met, *&c.* and all appearing except *John Swift*.

Adjourned to *Isaac Norris's* House (by Reason of the Extream cold) for an Hour.

At which Time and Place the House met, *&c.* all being present except *John Swift*.

Ordered, that *Henry Moleston* and *William Dyer* attend the Governor and Council with the Bill, Number 1. and to acquaint them, that the House is here met ready to attend, if they have the Business to offer.

The said Members return, and report, that the Governor and Council had accepted the said Bill; and also brought with them the Bill, Number 2. which was read.———Whereupon the House adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* all being present except *William Piles* and *John Healy*.

The Bill, Number 2. was read the second Time; and after some Remarks thereon, it was put to the Vote, Whether the said Bill with the Amendments should pass into a Law? *carried in the Affirmative*, N. C. D.

Ordered, That *Anthony Morris*, *Isaac Norris*, *John Swift*, *William Howston*, *Henry Moleston*, *William Fisher*, and *John Healy*, attend the Governor and Council with the Bill, Number 2. in order to be satisfied with the Remarks made thereon.

Adjourned for an Hour.

At which Time the House met, *&c.* all appearing.

The Members sent to the Governor and Council with the Bill, Number 2. return, and report, that they had presented the said Bill, and that the Governor and Council admitted a Debate with them, and agreed that the Amendments should be

concluded on, and the said Bill sent again within some Time, in order to be fairly transcribed by the Clerk of this House.

Ordered, That *Anthony Morris*, *Isaac Norris*, *Richard Hough*, and *Robert Piles*, receive and peruse the Bill, Number 2. in order to be transcribed against To-morrow Morning.

Adjourned till Nine a Clock To-morrow Morning.

At which Time the House met, *&c.* all being present.

The Members appointed last Evening, report, they have done what was ordered them.

———Whereupon the Bill, Number 2. was read a second Time in the House.

John Hill, a Member of Council, came to the House with a Message from the Governor and Council, that the Governor desires to see the said Bill before it be passed in this House. ———In order thereunto, *John Swift*, and *William Howston*, were sent to the Governor and Council with the said Bill.

The said Members return, and report, that they had presented the Bill, Number 2. to the Governor and Council, and acquaint them, that there had been some Debate in the House about the Limitation of Time for the said Act to be in Force; and that the Governor and Council said, they had also been considering the same; and that as soon as they concluded thereupon, the House should have the said Bill returned, with the Result of the Matter in Debate.

Put to the Question, Whether *Thomas Makin*, Clerk of the House for this Sessions, should have *Four Shillings per* Day for his Attendance and *Thomas Woodmanson Two Shillings per* Day for his Attendance as Door-keeper? *carried in the Affirmative.*

Adjourned till Four a Clock in the Afternoon.

At which Time the House met, *&c.* all being present except *Isaac Norris*, *William Howston*, *William Fisher*, and *William Dyer.*

It was put to the Vote, Whether it was the Business of this House to enquire of the Representatives of the respective Counties, how far they had proceeded in raising the Tax of *One Penny per Pound? carried in the Affirmative*, N. C. D. ———Accordingly the Representatives of *Bucks* County report, that the Assessments in the said County are mostly raised, and great Part of the Money is ready; but they want to know who the Receiver is to be, to whom the Money is to be paid in.

Philadelphia County report, that the Assessments are made; but by Reason of several Accidents, no Warrants are as yet

gone out for the Collecting of the same, but hope it will be done within the Time limited.

Chester County report, that Warrants are gone forth to raise the Money, and it is in Part done.

Kent County report, that the Assessments of the said County are in Part received.

Sussex County report, that the Money is in Part received.

Newcastle County report, that they know nothing at all done in the said County pursuant to the said Act for raising such a Tax.

The Question was put, Whether the Bill, Number 2. having been read the third Time, should pass with the Amendments? *carried in the Affirmative*, N. C. D.

Adjourned till Nine a Clock To-morrow Morning.

At which Time the House met, *&c.* all present except *William Fisher*, and *Henry Moleston*.

Put to the Vote, Whether the following Address to the Governor and Proprietary should be presented by two Members of this House? *carried in the Affirmative.*

TO THE PROPRIETARY AND GOVERNOR.

The Address of the Representatives of the Freemen of the Province of *Pennsylvania*, and Counties annexed, in Assembly met, humbly sheweth:

That whereas divers Persons (as we understand) have petitioned thee, that the next Election for Representatives to serve in Council and Assembly, might be three Persons for Council, and Six for Assembly, contrary to our present Frame of Government; and we being also informed, that thou art inclined to issue out thy Writs for choosing accordingly: Therefore we desire that thou would consider the best Methods to avoid Confusion we fear the People will fall into thereupon; and with Submission propose, that the Advice and Consent of the Representatives, both in Council and Assembly, to any Alteration of this Kind, may be proper.

Ordered, That *Anthony Morris*, and *John Swift*, present the said Address, who return, and report, that they had presented the same.———The said Members also carried the Bill, Number 2. with our Amendments, and were ordered to give the Consent of this House to theirs of the Amendments made by them, which they say was done.

Ordered, that *Richard Hough*, and *William Dyer*, attend the Governor and Council, to present an Address from this

House, for a Receiver of the last Tax of *One Penny per Pound, &c.* to supply the Place of *James Fox*, late deceased.

The late Lieutenant Governor sent in a Complaint to this House against Colonel *Quarry*, and *Edward Randolph*, which was read and thereupon as Address was drawn up, and sent to the Governor by *Robert Pile*, and *Nehemiah Field*, who return, and report, they presented the same.

The House adjourns to the Council Chamber, and then the Members return to the House,———and adjourn till Four a Clock in the Afternoon.

At which Time the House met, *&c.* all being present,——— and then the House adjourns to the Council Chamber.

The Members return to their House, and the Speaker assuming the Chair, makes report of the Governor's Answer to our Addresses: First, *As to the Receiver or Treasurer, he would consider of it, and would take Care to please all by his Choice of a fit Person. As to that Address to avoid Confusion in the next Election, the Governor consented to our Request, and ordered, by general Consent of Council and Assembly, that Minutes be made in both Council and Assembly, that the next Election might be three Persons for Council, and Six for Assembly in each County, who should be elected at the usual Day, according to the Governor's intended Writs; who promised in the said Writs, to signify his Pleasure for how long Time the Council should be elected. As to the other, about false Information sent to* England *against us; the Time of the Year being now unseasonable for longer Stay, it was not thought fit to enter into the Merits of the Cause; but all the Representatives of Council and Assembly, agreed to appoint a Committee to draw up some general Defence for the present.*

Ordered, that *Anthony Morris, Isaac Norris, Nehemiah Field*, and *William Howston*, be a Committee to meet with four Members of Council.

Adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.* all present.

The Committee appointed last Night to meet with the Members of Council, report, that they met accordingly, and agreed upon the Heads of the Paper to be drawn up in the general Defence of the Government, and was left to *Samuel Carpenter* to transcribe.

David Lloyd, a Member of Council, informed the House, that the Governor was withdrawn, and for Dispatch Sake, if this House saw fit to adjourn to the Council Chamber, the

Matter might be freely debated and concluded, with the Members appointed in Committee.———Accordingly this House is adjourned to the Council Chamber;———there the Governor giving his Sanction to the Bills, Number 1, and 2. the House was dismist.

The Speaker reports, that a Paper for Defence of the Government, signed by General Assembly,———and the Committee ordered to present it to the Governor, which was accordingly done;———*Ordered*, that the Minutes, Books, and Papers, be lodged in the Hands of *Isaac Norris* till further Orders.

At an ASSEMBLY, *held at* PHILADELPHIA, *the Tenth Day of the* THIRD MONTH, 1700.

The Members elected.

Philadelphia.	Chester.	Kent.
John Bevan,	*John Blunston, Speaker.*	*William Myrton,*
Anthony Morris,	*Robert Pile,*	*John Brinkloe,*
Nicholas Waine,	*Richard Ormes,*	*Richard Wilson,*
Isaac Norris,	*John Hood,*	*Griffith Jones,*
Samuel Richardson,	*Samuel Levis,*	*Arthur Meston,*
John Parsons.	*Henry Lewis.*	*William Rodney.*

Bucks.	Newcastle.	Sussex.
John Swift,	*Adam Peterson,*	*John Booth,*
Phineas Pemberton,	*Joseph England,*	*Thomas Pemberton,*
Joshua Hoopes,	*Richard Cantwell,*	*Luke Watson,* jun.
William Paxton,	*William Howston,*	*Thomas Fisher,*
Jeremiah Langhorne,	*Robert French,*	***Arthur Vankirk,***
Samuel Dark.	*Valentine Hollingsworth.*	*Robert Burton.*

Several of the Members appearing, but not being a full House, it was concluded to meet again on the twelfth instant.

The Twelfth of the *Third Month.*

The Members of the House being met and qualified, proceeded to choose their Speaker; and *John Blunston*, of the County of *Chester*, being by the Majority of Votes chosen Speaker, was desired to take the Chair; which (being attended thereto) he did accordingly.

Joseph Growdon, and *John Donaldson*, two Members of Council, were sent from the Governor and Council, to inform this House, that if the House had any Thing to propose, they were ready to receive it.——Whereupon the House repaired to

the Council Room, and presented the Speaker, who was approved of by the Governor.

Aurelius Hoskins, was chosen Clerk of this Sessions, and *William Woodmansey*, Door-keeper, or Messenger.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* and all appeared.

Ordered, that *Anthony Morris*, and *John Bevan*, attend the Governor and Council, to know whether they were ready to receive the House upon some Conference with them?——Who return, they are ready.——Whereupon the House adjourned to the Council Chamber.

The House returned, the Speaker assumed the Chair.

A promulgated Bill, to continue this Sessions twenty Days beyond the usual Time by Charter limited, *&c.* being read the first Time, was put to the Vote, Whether it should be passed into a law, with the Amendment of the Words *(General Assembly)* to be entered instead of *(Provincial Council) carried in the Affirmative*, Thirty-three Yeas, three Noes.

Adjourned till Seven a Clock To-morrow Morning.

At which Time the House met, *&c.* all appearing.

The Clerk attested to keep secret the Debates of the House.

The promulgated Bill for continuing the present Sessions twenty Days beyond the usual Time limited, *&c.* being read a second Time; put to the Vote, Whether it should pass into a Law, with the Amendments? *carried in the Affirmative*, N. C. D.

Ordered, that *John Swift*, and *William Howston*, attend the Governor and Council with the said Bill, and Amendments; and to know when they would be ready for the Meeting of both Houses in a Grand Committee, as was by them Yesterday proposed to us.———The said Members return, and report, that they had delivered the Bill, and the Governor would send their Answer forthwith, about our meeting in a Grand Committee.

Joseph Growdon, *Samuel Carpenter*, *Jasper Yeats*, and *Edward Shippen*, four Members of Council, came to this House with the aforesaid Bill from the Council-board, and acquainted the House, that they consented to three of the Amendments; but the other which claimed the Proposal of Laws in the Assembly, they did not assent to; because it being so considerable a Branch of the Charter, and not promulgated in the Bill, might be better waved in this Bill, and claimed in the further Settlement; and that if the House desired further Satisfaction, they were ready to meet us in a Grand Committee.

Ordered, That *William Rodney*, and *Anthony Morris*, attend the Governor and Council, to desire that they would appoint a Committee of Council, to give this House further Satisfaction concerning the last Message, and Amendments of the aforesaid Bill.——The said Members return, and report, that the Governor desires that this House come into the Council Chamber, where they may freely debate about the Amendments.—Whereupon the whole House repair'd to the Council Chamber.

The House returned within Half on Hour.——The Speaker assumed the Chair, and reported, that the Debate upon the Bill in the Council Chamber, was referred to be further considered in the Afternoon.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* and all appeared,—— and adjourned for an Hour.

At which Time the House met, *&c.* all appeared.

Ordered, That *Phineas Pemberton*, and *Robert French*, attend the Governor and Council, to know whether they were ready to receive the House, in order to debate about the Frame of Government.—The said Members return, and report to the House, that they are ready to receive us.———— Whereupon the House adjourns to the Council Chamber; and after their Debate the House returns, and the Speaker assuming the Chair, by Consent of the House.

Adjourned till Eight a Clock (precisely) To-morrow Morning.

At which Time the House met, *&c.* all appearing.

Ordered, That *Anthony Morris*, and *William Rodney*, attend the Governor and Council, to move them to send for *William Biles*, one of the Members of Council.

The said Members return, and report, that the Governor would consider of it, and return his Answer forthwith.

The Governor, by *Patrick Robinson*, Secretary, sent his Answer to the House, that he would send for the said Member forthwith; and also, that the Governor and Council desire the House would repair to the Council Chamber, for he had something further to propose to the House.——Whereupon the House adjourned to the Council Chamber.

In a short Time the House returned, and the Speaker assuming the Chair, acquainted the House, that the House had Conference with the Governor and Council to our further Satisfaction, in Relation to the Matters we stick at in the Bill.

Ordered, That the Bill be read the third Time, with the Amendments, which was done, and put to the Vote, Whether

this Bill, as it is now read, with the Amendments, shall pass into a Law? *carried in the Affirmative*, N.C.D.

Ordered, That *Samuel Richardson*, and *Anthony Morris*, attend the Governor and Council with the said Bill, and to know whether the Governor had any further Business at present to offer the House?

The said Members return, and report, that the Governor and Council would consider of it, and return an Answer in a Short Time.

Patrick Robinson, Secretary, form the Governor and Council acquaints the House, that they were ready to receive us.—— Whereupon the House adjourn to the Council Chamber.

In a Short Time the House returned, the Speaker assumed the Chair, and adjourn'd the House for an Hour.

At which Time the House met, *&c.* all appearing.

Ordered, That *Nicholas Waine*, and *Joseph England*, attend the Governor and Council, to know the Time they would adjourn to in the Afternoon, the Time for Business this forenoon being elapsed.——The said Members return, and report, that the Governor and Council were ready to receive them now.—Whereupon the House repair to the Council Chamber, to hear the Charter and Frame of Government read over.

In a short Time the House returned, and adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* and adjourned into the Council Chamber, to consult with the Governor and Council upon a new frame of Government.——After some Time the House returned, and adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.* and all appeared.

Ordered, That *Isaac Norris*, and *Thomas Pemberton*, attend the Governor and Council, to acquaint them that the House is met, and desires to know whether they are ready to receive them.

The Members return, and report, that the Governor will be ready to receive them in a Quarter of an Hour.

Patrick Robinson, Secretary, from the Governor and Council informed the House that they were ready to receive them.— Whereupon the House repair to the Council Chamber, to be in a Grand Committee of Council and Assembly, that we might the more freely and fully debate and conclude upon *the Settlement of the Government*, *&c.*

The first Day of the *Fourth Month*, 1700.

The House met; the Speaker assumed the Chair, and the

whole House being sensible that Things are now ripe for proceeding to Business in our own House, resolve accordingly.

——And the Members being called, all appeared.

The Bill, Number 2. intituled, An Act for establishing the Freeholders, *&c.* in their Properties, was read, and put to the Vote, Whether it should pass into a Law, with Amendments? *carried in the Affirmative.*

Ordered, That *William Rodney*, and *Phineas Pemberton*, attend the Governor and Council with the said Bill.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* and all appeared except *Phineas Pemberton*, *John Swift*, *Samuel Richardson*, *John Parsons*, *Thomas Pemberton*, *Henry Lewis*, *Richard Ormes*, *Richard Wilson*, and *William Rodney*, who all appeared soon after.

The Bill, Number 3. obliging all Vessels to touch at *Newcastle*, was read the first Time, and put to the Vote, Whether it should pass into a Law, with Amendments? *carried in the Affirmative.*

The Bill, Number 4. for prolonging the Time of Prohibition of Bulk Tobacco, was read the first Time and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, N.C.D.

The Bill, Number 5. for regulating *Negroes* in their Morals, and Marriages, *&c.* was read the first Time, and put to the Vote, Whether it should pass into a Law? *carried in the Negative.*

Ordered, That *Phineas Pemberton*, and *William Rodney*, attend the Governor and Council with the Bills, Number 3, 4, and 5. and to acquaint them which have pass'd the House, and which have not; also to request that *the Charter now making*, may be brought to this House if ready; and to acquaint them how near we apprehend the limited Time for the Sessions to be expired.

The said Members return, and report, that the Governor was not in Council, but they left the Bills, and the Council being in Committee also told them, *they had not yet seen the Charter themselves;* and we should hear further form them in a short Time.

Caleb Pusey, and *Thomas Fenwick*, two Members of Council, came and acquainted the House, that it was the Opinion of the Council that the fifteen Days will not be out till next Fourth Day.

Ordered, That *Phineas Pemberton*, and *Robert French*, attend the Governor, and acquaint him of the different Opinion

in this House about the Termination of the limited Time; and therefore to request *the sight of the Charter* this Evening, which we suppose will encourage us all to a further Stay.—— The said Members returned, and *brought the Charter with them* from the Governor.

Adjourn'd till Eight a Clock next Second Day Morning.

At which Time the House met, *&c.* all appeared.

Joseph Growdon, and *John Hill*, two Members of Council, came from the Governor to see if this House agreed with them, to sit four or five Days longer; if not, the Governor was not willing to proceed further to any Business; and desired this House would repair to the Council Chamber, there to debate on some things.

The House repaired to the Council Chamber, and in a short Time returned; agreed to continue the Sessions till the next Fifth Day at Night.

The Bill, Number 3. obliging all Vessels to touch at *Newcastle*, was read the second Time, and *voted in the affirmative.*

Joseph Growdon, Richard Hallowell, Samuel Carpenter, and *Jasper Yeats*, four Members of Council, came to the House to acquaint them, that they were appointed a Committee to meet with a Committee of this House, to read, and *further prepare the Charter.—Whereupon Phineas Pemberton, Nicholas Walne, Robert French, William Rodney, Thomas Pemberton, Robert Pile, Griffith Jones*, and *Isaac Norris*, were appointed to meet the said Committee at two a Clock this Afternoon.— and *Phineas Pemberton* was ordered to acquaint the Council therewith.

The Bill, Number 4. for prolonging the Time of Prohibition of Bulk Tobacco, was read a second Time, and *voted in the Affirmative.*

The Bill, Number 6, for preventing sickly Vessels suddenly coming to this Port, was read the first Time, and *carried in the Affirmative*, N.C.D.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* all appearing except the Committee abovesaid.

Ordered, That *Richard Ormes*, and *Joseph England*, attend the Governor and Council, to know if they have any further Business for this House, *and if they had the Charter.* The said Members return, and report, that they had the Charter in Perusal, and would send it in a short Time.

The Bill, Number 5. for regulating Negroes in their Morals,

and Marriages *&c.* was read the second Time, and *voted in the Negative.*

The Bill, Number 7. about Negroes and their Trials, was read the first Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative.*

Joseph Growdon, *Samuel Carpenter*, and *Richard Hallowell*, Member of Council, *came and brought the Charter*, which was read, and debated upon, and returned again to the Governor and Council; and the House desired several Additions and Amendments be be made thereon.

Adjourned till Seven a Clock To-morrow Morning.

At which Time the House met, *&c.* all being present except *John Brinkloe*, *William Rodney*, *Adam Peterson*, *William Myrton*, *Richard Wilson*, and *John Swift.*

Ordered, That *Samuel Levis*, and *Thomas Pemberton*, attend the Governor and Council, to know if they have any further Business to offer to this House.——The said Members return, and report, that the Governor had sent Word to the Council, that he would be with them in a short Time.

Joseph Growdon, a Member of Council, brought the Bill, Number 2. with Amendments.

The Bill, Number 2. an Act for establishing the Freeholders in their Properties, was read the second Time, with some Amendments from the Governor and Council, which were disallowed of by the Vote of the House.

Ordered, That *Robert French*, and *Nicholas Waine*, return the said Bill, with the Amendments, to the Governor and Council,——The said Members return, and report, that they had delivered the aforesaid Bill with the Amendments.

Joseph Growdon, and *Jasper Yeats*, two Members of Council, came from the Governor and Council with an Amendment to the said Bill.

Ordered, That *Phineas Pemberton*, and *Griffith Jones*, attend the Governor and Council, to desire a Sight of the Form of the Patent.——The said Members return, and brought with them the Form of the Patent aforesaid.

Ordered, That *William Rodney*, and *Robert Pile*, attend the Governor and Council with the Bill, Number 2. and to inform the Governor, that after long and tedious Debates upon the said Bill, the House are not willing to pass it, unless the last Amendment made by them be taken off.——The said Members return, and report, that the Governor desires this House would repair to the Council Chamber, where *they may freely confer together about the Charter*, and have a further Debate

upon the said Bill.——Whereupon the House repair to the Council Chamber; and in a short Time returned again to the House.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* and all appeared except *John Swift*, and *Isaac Norris*.

Ordered, That *Robert French*, *Phineas Pemberton*, *William Rodney*, and *Anthony Morris*, be a Committee to inspect into the aforesaid Bill, Number 2.

The Bill, Number 8. for Re-survey of Land, was read the first Time, and put to the Vote, Whether it should pass into a Law? with such Amendments as might be made? *carried in the Affirmative.*

Adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.* all appeared.

The Bill, Number 9. for preventing Abuses upon the *Indians*, was read the first Time, and put to the Vote, Whether it should pass into a Law? *carried in the Negative.*

The Bill, Number 10. about Attests, and Council and Assembly's Wages, *&c.* Also about Elections and absent Members, was read the first Time, with the Amendments, and put to the Vote. Whether it should pass into a Law? *carried in the Affirmative.*

Ordered, That *Thomas Pemberton*, and *Joshua Hoopes*, attend the Governor and Council with the Bill, Number 10.—— The said Members return, and report, that they had delivered the said Bill.

The Governor's Charter was read the first Time and put to the Vote, Whether this House would accept of it, with the Amendments and Additions? *carried in the Affirmative;* and returned back to the Governor again.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* all appeared.

The Bill, Number 7. about *Negroes*, and their Trials, was read the second Time, and *voted in the Affirmative.*

The Bill, Number 10. about Attests, and the Council and Assembly's Wages *&c.* Also about Elections and absent Members, was read the second Time, and *voted in the Affirmative.*

The Bill, Number 12. for laying an Imposition on Liquors, and other Goods, was read the first Time, with the Amendments, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative.*

Ordered, That *William Rodney*, and *Henry Lewis*, carry the

aforesaid Bill, with the Amendments, to the Governor and Council.

Adjourned till Eight a Clock precisely To-morrow Morning, and he that stays beyond the Hour to pay *Ten Pence.*

At which Time the House met, *&c.* all appeared.

The Bill, Number 3. obliging all Vessels to touch at *Newcastle,* was read the third Time, and *voted in the Affirmative.*

The Bill, Number 4. for prolonging the Time of Prohibition of Bulk Tobacco, was read the third Time, and *voted in the Affirmative.*

The Bill, Number 7. about Negroes and their Trials, was read the third Time, and *voted in the Affirmative,* N.C.D.

The Bill, Number 10. about Attests, and the Council and Assembly's Wages, was read the third Time, and *voted in the Affirmative.*

Ordered, That *Robert French,* and *Phineas Pemberton,* carry the said Bills, Number 3, 4, 7, and 10. to the Governor and Council.——The said Members return, and report, that they had delivered the aforesaid Bills.

The Bill, Number 12. for laying an Imposition on Liquors, and other Goods, was read the second Time, with the Amendments, and *voted in the Affirmative.*

The Bill, Number 13. for confirming of the Laws, was read the first Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative.*

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* and all appeared.

The Bill, Number 15. for raising *Four Pence per Pound,* and *Twenty-four Shillings per Head,* was read the first Time, and put to the Vote, Whether it should pass into a Law, with Amendments? *carried in the Negative.*

Ordered, That *Anthony Morris,* and *Luke Watson,* jun. attend the Governor and Council with the Petition of *Thomas Harris;* and to acquaint them, that they did not think fit that the said *Harris* should have a Hearing before the Governor was acquainted with it.——The said Members return, and report, that they had delivered the Petition.

Patrick Robinson, Secretary, acquainted the House, that the Governor was ready to receive them; whereupon the House repair to the Council Chamber.

In a short Time the House returned again, and put to the Vote, Whether the House should stay any longer than Two a Clock To-morrow in the Afternoon, unless this House unanimously consent thereunto? *carried in the Affimative.*

Adjourned till Seven a Clock To-morrow Morning.

At which Time the House met, *&c.* all appearing.

The Bill, Number 6. for preventing sickly Vessels suddenly coming to Ports, was read a second Time and *voted in the Affirmative.*

Ordered, That *Isaac Norris*, and *John Swift*, carry the aforesaid Bill, Number 6. to the Governor and Council; and further, to know if they had any Thing ready to propose to this House.—The said Members return, and report, that they had delivered the aforesaid Bill; and that the Governor's Answer was, there would be something ready in a short Time.

Samuel Carpenter, and *Jasper Yeats*, came from the Governor and Council with the Bill, Number 12. and some Amendments thereupon.

Ordered, That *William Rodney*, and *Robert Pile*, carry the aforesaid Bill, Number 12. with their Amendments.—— The said Members return, and report, that they have delivered the said Bill, with their Amendments; and that they will send their Answer in a short Time.

Ordered, That *Robert French*, and *Phineas Pemberton*, attend the Governor and Council, to inform them that this House have nothing before them; and further, to desire *that they would send the Charter.*—— The said Members return with the Charter, and the Bill, Number 12.

The Bill, Number 12. for laying an Imposition on Liquors, and other Goods, being read the third Time, was put to the Vote, Whether it should pass into a Law, with the Amendments? *carried in the Affirmative.*

Ordered, That *Anthony Morris*, and *Thomas Fisher*, carry the Charter and the Bill, Number 12. to the Governor and Council.—— The said Members return, and report, that they had delivered the aforesaid Bill; and that the Governor and Council were ready to receive them.

Put to the Vote, Whether the Fines in *Joseph Growdon's* Hands should be given the Door-keeper? *carried in the Affirmative.*

Put to the Vote, Whether the Clerk should have *Ten Pounds*, for his Attendance as Clerk?—— Left to the Speaker to order him his Pay.

Adjourned into the Council Chamber, in order to be dissolved.

At an ASSEMBLY, *held at* NEWCASTLE, *the Fourteenth Day of* OCTOBER, 1700.

The Members returned by the Sheriffs of the respective Counties chosen by the Governor's Writs, are

Philadelphia.	Chester.	Kent.
Edward Shippen,	*Joseph Baker,*	*John Brinkloe,*
Griffith Owen,	*Samuel Levis,*	*Richard Wilson,*
Rowland Ellis,	*Nathaniel Newlin,*	*William Morton,*
Isaac Norris.	*Nicholas Pile.*	*Henry Moleston.*
Bucks.	**Newcastle.**	**Sussex.**
Joseph Growdon, Speaker.	*John Healy,*	*John Hill,*
Richard Hough,	*Richard Hallowell,*	*Thomas Pemberton,*
Samuel Dark,	*Robert French,*	*Luke Watson, jun.*
Robert Heaton.	*Jasper Yeats.*	*Thomas Fenwick.*

Several of the Members being met, sent two of their Number to acquaint the Governor, that about twenty of the Members returned to serve in this Assembly were met together, and that they desired to know his Pleasure; whereupon he sent the Secretary to qualify those who were met, and to acquaint them they might proceed to choose their Speaker this Evening, or defer it until To-morrow, when it was expected the absent Members would be come; upon which they agreed to leave it till To-morrow.

The members met, being twenty Persons, and chose *Joseph Growdon*, Speaker of the House; after which, the House attended the Governor at the Council Chamber, and the Speaker acquainted the Governor and Council what was done; and the Governor having accepted the Speaker, acquainted him. *That he called this Assembly upon the urgent Occasions, viz. That we wanted a Frame of Government, and Body of Laws, a Settlement of Property, and a Supply for the Support of the Government, which he would give us all the Assistance possible in effecting.*—— Upon which the Assembly came to their House, the Speaker assumed the Chair, and reported the Governor's Speech, and pressed them to a friendly Concurrence in the going to, and Dispatch of Business; putting them in mind that Committees might be appointed for the several Services of the House, and more ready Dispatch of what should lie before them.

A Letter sent to the Proprietary and Governor, subscribed

with several Names of Persons of *Sussex* County, giving him an Account, that they with others as a grand Jury for that County, had presented *Thomas Fenwick*, a Member returned to serve in this Assembly, for taking and branding two Mares, belonging to some Persons thereabout; this House upon Debate of the Matter, found no Reason to lay aside the said Member, but admitted him to sit.

Adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.* absent *Richard Wilson*, and *Thomas Pemberton*.

Aurelius Hoskins chosen Clerk of this Sessions, and *John Grant* appointed Door-keeper.

Robert French, *Isaac Norris*, *John Brinkloe*, *John Hill*, *Richard Hough*, and *Nathaniel Newlin*, were appointed a Committee to consider of, and draw up a new *Frame of Government;* and to make Report to this House what they do therein.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* all appearing.

Agreed, that if any Member be wanting a Quarter of an Hour after the Ringing of the Bell, he shall pay *Ten Pence*.

A Petition of several of the Inhabitants of Newcastle, declaring against the last Election at Newcastle, for not having due Notice given them of the said Election, was read.

Adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.* all appearing.

The House ordered *John Hill* to go with *Thomas Pemberton* to the Governor, in order to qualify the said *Pemberton*, who (being qualified) returned and took his Seat in the House.

Put to the Vote, Whether the Members elected for *Newcastle* County should withdraw while the Matter touching their Election was further debated? *carried in the Affirmative;*—— whereupon they withdrew.

Ordered, That *Griffith Owen* and *John Brinkloe* attend the Governor, and desire him to acquaint the House what Answer he had from *Adam Peterson*, in Relation to the Sheriff's sending a Summons to his House, concerning the Election for *Newcastle* County.—— The said Members return, and report, they had delivered their Message to the Governor; and his Answer was, that *Adam Peterson* had sent back his Answer by *James Read*.

Ordered, That *James Read* attend this House in the Afternoon.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* all appearing.

James Read being called in, acquainted the House with the Substance of what he heard *Adam Peterson* declare, *viz. That there was a Paper came to his house from the Sheriff of* Newcastle *County which he stuck upon his Wall;—but further declared, That he had not heard of any one Person in the Three Lower Hundreds that had any Notice at all; but, on the contrary, had spoke with at least twenty Persons of the said Hundreds who had no Notice at all.*

The House being acquainted that the Persons who signed the Declaration, did not so much complain against the Election in general, as that they had not their due Choice of a particular Member.——Whereupon it was ordered, that the said Subscribers should be called in;—— and accordingly as many of them as were in Town (Nine in Number) came in; and being ask'd the Question, declared their Complaint was against the whole Election; because the Three Lower Hundreds had no further Notice than barely sending a Note to *Adam Peterson;*——and the House acquainted the said Persons, that their said Paper did not come rightly before the House, because not by Way of Petition; it was therefore returned to them, and they after altering it to the Stile of a Petition, it was accepted.

Upon further Debate upon the Matter, it was put to the Question, Whether the House shall make their Address to the Governor, that he would be pleased to issue out new Writs for a new Election as soon as possible;——because there had not been sufficient Notice given, as aforesaid; and therefore the Election of those Persons returned by the Sheriff not right? *carried in the Affirmative.*

Whereupon the House desire the Speaker to address the Governor in that Behalf; and to desire him to issue out a Writ for a new Election.

Adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.* all appeared.

The Speaker acquaints the House, that he had waited on the Governor, and given him an Account, that upon Debate of the Election at *Newcastle* they had judged that the same was an undue Election, for want of full Notice to the Freeholders; and therefore requested the Governor to issue forth a new Writ to choose Members for the said County of *Newcastle.* To which the Governor was pleased to answer, *That he was not very well satisfied in it;* and that therefore would speak with the House together.

Ordered, That a Messenger acquaint the four Members of *Newcastle* County, to attend this House.——The Messenger returned, and informed the House, that he had acquainted three Members, and that they were ready to attend; whereupon they were desired to come in, which accordingly they did, and were discharged from their Service in this House, as not having been duly elected.

Thomas Pemberton was appointed to be on the Committee instead of *Robert French*.

Edward Shippen, Griffith Owen, Samuel Levis and *Nicholas Walne*, were appointed a Committee to draw up a Bill for settling Property.

The rest of the Members of this Assembly were appointed a Committee to peruse the Laws, in order to Amendments, Alterations, Appeal, or Additions.

Two Members were sent to the Governor, to acquaint him they were ready to attend on him, touching the Election of Newcastle.——The said Members return, and report, that they had delivered their Message to the Governor; and his Answer was, that he desired the House would attend him at the Council Chamber before they went on any other Business; whereupon the House repaired to the Council Chamber.

In a short Time the House returned again; the Speaker assumed the Chair, and adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.* absent the Committee on the Bill for Property;——*Richard Wilson* sick,——and the *Newcastle* Members.

The Committee appointed to consider and draw up a new Frame of Government, report, that they have drawn up a rough Draft of several Heads, which being read, were thought fit to be further considered of in a fuller House.

The Committee for considering the Laws, report, that they have gone through about Thirty, and made such Alterations and Amendments as they thought fitting; which were ordered to be read, and proposed to the Consideration of the House.

The said Laws being read and debated on, the Secretary is desired to draw up all the said Laws into Bills, in order to be brought into a fuller House.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, absent *Richard Wilson*, and the *Newcastle* Members not yet supplied.

The Committee appointed to draw up a Bill for Establishment of Property, report, they have drawn up what they think

necessary, which was read, and the Debate suspended until we have a fuller House.

Adjourned till Eight a Clock next Third Day Morning.

At which Time the House met, &c. absent *Isaac Norris*, *William Morton*, and the *Newcastle* Members.——The Speaker acquainted the House, that *William Morton* requested Leave to go Home, his Wife being ill, and not like to live; the House declared their Satisfaction in his going on so necessary an Occasion.

Ordered, That *John Hill* go to the Secretary, to know whether he has drawn up any of the Bills to be passed into Laws, which he was desired to do; and to bring such as were drawn up.

Ordered, That *Thomas Fenwick*, and *Samuel Levis*, attend the Governor, and acquaint him, that inasmuch as the House was not full, they were unwilling to proceed to any great Matter of Moment; therefore desired to know, if the Sheriff had made Return of the Members for *Newcastle* County.

The said Members return, and report, that the Governor acquainted them, that there were Members enough to do Business; and therefore he took it unkind that they would not proceed.

Patrick Robinson, Secretary, came from the Governor to acquaint the House, that the Governor desired this House would appoint four Members, or the whole House, to repair to him, and hear what he had to alledge against parting with two of the Members of his Council, who were returned to serve in Assembly, for that he had but few Members of Council left; and therefore thought it reasonable that those two might be left with him until he could have their Place supply'd with others whom he should choose.

Whereupon the House repair to the Council Chamber, and in a short Time returned again, having heard the Governor's Speech concerning those Members of Council elected to serve in Assembly, *viz.*

That having but two Members of Council left besides those two elected, he could not well proceed to Business with so small a Number, but was willing, as soon as some more Persons came (which he expected would be this Day or To-morrow) to supply their Places in Council, that they should be dismissed from that Service, and attend the Assembly; though he looked on it as hard Measure and unreasonable, that those Members should be taken from him, they having solemnly attested to serve in the Council.

The Assembly thereupon condescended, that they would suspend calling for their Service until To-morrow, as the Governor required.

Adjourned till Three a Clock in the Afternoon

At which Time the House met, *&c.* and all appeared except *Robert French*, and *John Brinkloe*.

The Bill, Number 1. concerning Liberty of Conscience, was read the first Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, N. C. D.

The Bill, Number 2. against Swearing and Cursing, *&c.* was read the first Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, N. C. D.

The Bill, Number 3. against Adultery, and Fornication, was read the first Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, N. C. D.

The Bill, Number 4. against Incest, Sodomy, and Bestiality, was read the first Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative.*

Adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.* all appearing.

The Bill, Number 5. against Rape, or Ravishment, was read the first Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, ten Yeas, and seven Noes.

The Bill, Number 6. against Bigamy, was read the first Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, N. C. D.

The Bill, Number 7. against Drunkenness, and drinking of Healths, was read the first Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, N. C. D.

The Bill, Number 8. against firing of Houses, was read the first Time and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, N. C. D.

The Bills, Number 9, 10, 11, and 17. were committed to *Isaac Norris*, and *Robert French*, to be drawn up anew.

The Bill, Number 12. against assaulting and menacing Parents, Masters, Mistresses, Magistrates, and abusing Magistrates, was read the first Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, N. C. D.

The Bill, Number 13, against Assault, and Battery, was read the first Time, and put to the Vote, Whether it should pass with the Bill, Number 12? *carried in the Affirmative*, N. C. D.

The Bill, Number 14. against Duels, was read the first Time,

and put to the Vote, Whether it should pass into a Law, with the Amendments? *carried in the Affirmative*, N. C. D.

The Bill, Number 15. against Sedition, spreading of false News, and Defamation, was read the first Time, and put to the Vote, Whether it should pass? *carried in the Affirmative*, N. C. D.

The Bill, Number 16. against Scolding and Railing, was read the first Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, N. C. D.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met; the Speaker assumed the Chair, and Members all appeared.

Adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.* all appeared.

The Bill, Number 9. against breaking into Houses, was read the first Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, N. C. D.

The Bill, Number 10. against forcible Entry, was read the first Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, N. C. D.

The Bill, Number 11. against Riots, Rioters, *&c.* was read the first Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, N. C. D.

The Bill, Number 12, and 13. comprized in one Bill, was read the first Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, N. C. D.

The Bill, Number 17. against Robbing and Stealing, was read the first Time, and put to the Vote, Whether it should pass? *carried in the Affirmative*, N. C. D.

Patrick Robinson, Secretary, acquainted the House, that the Governor was willing to dismiss the two Members from Council who were chosen to serve in Assembly; whereupon they were desired to take their Places.

The Bill, Number 18. was committed to *Robert French*, and *Isaac Norris*, to draw up.

Ordered, that *Edward Shippen*, and *Robert French*, attend the Governor, to acquaint him, *That this House having gone through the Laws which were ordered to be drawn up into Bills, and read the first Time, had voted such as they thought meet to pass; and that now having no more drawn up for their Debating, they were willing to go upon the Frame of Government; in order to which, the House desired if the Governor had prepared any Thing that might be helpful to them in the*

furthering, and better dispatching this Matter, that he would be pleased to communicate it to the House.

The Members return, and report, that the Governor had order'd something to be drawn up, which he intended to have read in the Council, and afterwards to be sent to the House.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, &c. all appeared.

The Bill, Number 18. about Provision for the Poor, was read, the first Time and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, N. C. D.

The Bill, Number 19. about Weights and Measures, was read the first Time, and put to the Vote, Whether it should pass into a Law- *carried in the Affirmative*, N. C. D.

The Bill, Number 20, about Days and Months, was read the first Time, and put to the Vote, Whether it should pass into a Law? *carried in the Negative.*

The Bill, Number 21. about Witnesses, was read the first Time, and put to the Vote. Whether it should pass into a Law? *carried in the Affirmative*, N. C. D.

The Bill, Number 22. about Pleading, and Processes, in *English* was read the first Time, and put to the Vote, Whether it should pass? *carried in the Affirmative*, N. C. D.

Adjourned till Half past Eight a Clock precisely To-morrow Morning.

At which Time the House met, &c. all appearing.

The Bill, Number 24. about Fines to be moderate, was read the first Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, N. C. D.

The Bill, Number 25. about Defalcation, was read the first Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative.*

The Bill, Number 27. about verbal Contracts, was read the first Time, and put to the Vote, Whether it should pass? *carried in the Affirmative.*

The Bill, Number 28. about Wills, was read the first Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, N. C. D.

The Bill, Number 29. against Defacers of Records, was read the first Time, and put to the Vote, Whether it should pass? *carried in the Affirmative*, N. C. D.

The Petition of *John Grubb*, and *Benjamin Sweat*, &c. was read.

The Bills, Number 23, 30. committed to *Richard Hallowell*, and *Jasper Yeats*, to draw up anew.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* all appearing.

The Bill, Number 31. about Bail, *&c.* was read the first Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, N. C. D.

Ordered, That *Jasper Yeats*, and *Isaac Norris*, attend the Governor, and acquaint him,

"That this House have gone through several of the Bills which lay before them, upon a first Reading; and that if he desired to have them, we should read them a second Time, and send them to him To-morrow; and that we crave to have them returned, in order to have them a third Time read, and altered, or amended, as this House shall see further Cause."

The said Members return, and report, that they have delivered the Message they had in Trust, and that the Governor seemed to approve it.

The Bill, Number 1. about Liberty of Conscience, was read the second Time, and *carried in the Affirmative*, N. C. D.

The Bill, Number 2. against Swearing and Cursing, was read the second Time, and *carried in the Affirmative*, N. C. D.

The Bill, Number 3. against Adultery and Fornication, was read the second Time, and *carried in the Affirmative*, N. C. D.

Adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.* all appeared.

The Bill, Number 4, against Incest, Sodomy, and Bestiality, was read the second Time, and *carried in the Affirmative*, N. C. D.

The Bill, Number 5. against Rape or Ravishment, was read the second Time, and *carried in the Affirmative*, by major Votes.

The Bill, Number 6. against Bigamy, was read the second Time, and *carried in the Affirmative*, N. C. D.

The Bill, Number 7. against Drunkenness, and drinking of Healths, was read the second Time, and *carried in the Affirmative*, N. C. D.

The Bill, Number 8. against firing of Houses, was read the second Time and *carried in the Affirmative*, N. C. D.

The Bill, Number 9. against breaking into Houses, was read the second Time, and *carried in the Affirmative*, N. C. D.

The Bill, Number 10. against forcible Entry, was read the second Time, and *carried in the Affirmative*, N. C. D.

The Bill, Number 11. against Riots, and Rioters, *&c.* was read the second Time, and *carried in the Affirmative*, N. C. D.

The Bill, Number 12. against assaulting and menacing

Parents, Masters, Mistresses, Magistrates, and abusing Magistrates, read the second Time, and *carried in the Affirmative*, N. C. D.

The Bill, Number 14. against Duels, was read the first Time, and *carried in the Affirmative*, N. C. D.

Ordered, that *Edward Shippen* attend the Governor with the Bills, Number 1, to 14. all which were read, and voted a second Time.

Whereupon this House adjourned for Half an Hour, in order to attend the Governor and Council.——After Conference the House returned again, having proposed unto the Governor, that a Committee of four or more Members of Assembly, with two of the Council, might meet and propose such Heads of Laws and Matters as the Assembly thought meet, unto those four Persons who should be employed as Clerks to draw them into Form, and return all their Doings unto the Assembly at their Sessions, the Twenty-second of the *Ninth Month*, for their further Debate and Votes.

Unto which the Governor was pleased to answer, "That he could not see what Service there could be in such Adjournment, but that he was willing the Assembly should make Use of whom they thought fit as Assistants in writing for them, in order to better Form; therefore he was not inclined to concur with the Assembly in the Adjournment proposed, but that he would further consider the Matter, and give answer in a short Time."

The Members of Council came from the Governor, and desired to know if the House had resolved on an Adjournment; and if not, that the House would further consider thereof, and not be hasty to do it;——unto which the Speaker made Answer, that they had not resolved on the Adjournment, and should be cautious of it, without the Governor's Concurrence.

The two Members also proposed, that a grand Committee of Council and Assembly, might meet to confer about the Laws, and agree upon Heads of what was fit to be done.——Unto which this House answered, that the proposing Part, they conceived, was in the House; and therefore saw no Reason for such Committee.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* all appearing.

Adjourned till Five a Clock in the Afternoon next Second Day.

Near which Time the House met, *&c.* the Majority of the Members appeared, and it being something late, and not a

full House, adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.* and all appeared.—— *Ordered*, that *Robert French*, and *Isaac Norris* go and acquaint the Governor thereof.

The Bill, Number 15. against Sedition, spreading of false News, and Defamation, was read the second Time, and *carried in the Affirmative*, N. C. D.

The Bill, Number 16. against Scolding, and Railing, was read the second Time, and *carried in the Affirmative*, N. C. D.

The Bill, Number 17. against Robbing and Stealing, was read the second Time, with the Amendments, and *carried in the Affirmative*, N. C. D.

The Bill, Number 18. about Provision for the Poor, was read the second Time, and *carried in the Affirmative*, N. C. D.

The Bill, Number 19. for regulating Weights and Measures, was read the second Time, and *carried in the Affirmative*, N. C. D.

The Bill, Number 21. about Witnesses, was read the second Time, and *carried in the Affirmative*, N. C. D.

The Bill, Number 22. about Pleading, and Processes, in *English*, was read the second Time, and *carried in the Affirmative*, N. C. D.

The Bill, Number 24. about Fines to be moderate, was read the second Time, and *carried in the Affirmative*, N. C. D.

The Bill, Number 25. about Defalcation, was read the second Time, and *carried in the Affirmative*, N. C. D.

The Bill, Number 27. about verbal Contracts, was read the second Time, and *carried in the Affirmative*, N. C. D.

The Bill, Number 28. about Wills, was read the second Time, and *carried in the Affirmative*, N. C. D.

The Bill, Number 29. against Defacers of Records, was read the second Time, and *carried in the Affirmative*, N. C. D.

The Bill, Number 31. about Bail, *&c.* was read the second Time, and *carried in the Affirmative*, N. C. D.

Ordered, that *Edward Shippen*, and *Richard Hallowell*, attend the Governor and Council, with the aforesaid thirteen Bills, and to acquaint them they have been read a second Time, and desired his Approbation; and further, to acquaint the Governor, that this House thought fit that the two Bills, Number 23, and 30. should be put into the Bill about Regulation of Courts, which *Thomas Story* was to draw up.——The said Members return, and report, that they had delivered the Bills; and further acquainted the Governor, that it was the Opinion of this House, that the aforesaid two Bills, should

be put into the Bill about Regulation of Courts.

The Law of a Freeman, Number A. was read the first Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, N. C. D.

The Bill, Number B. dropt, and not voted.

The Bill, Number D. against Barrators, was read the first Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, N. C. D.

The Bill, Number E. about determining Debts under *Forty Shillings*, was read the first Time, and put to the Vote, Whether it should pass? *carried in the Affirmative*, N. C. D.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* absent *James Yeats*, *Henry Moleston*, *Richard Wilson*, and *Luke Watson*, jun.

The Bill, Number G. about Provincial Council, was read the first Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, N. C. D.

The Bill, Number H. against Counterfeiters of Hands, and Seals, was read the first Time, and put to the Vote, Whether it should pass? *carried in the Affirmative*, N. C. D.

The Bill, Number I. about killing of Wolves; the Bill, Number L. about viewing Pipe-staves; the Bill, Number N. about taking away Boats; the Bill, Number O. against cutting Timber Trees; the Bill, Number P. about Firing the Woods; and the Bill, Number Q. about Wares, were read the first Time; and *carried in the Affirmative*, N. C. D.

Adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.* all appearing except *Richard Wilson*.

The Bill, Number R. about Ferries and their Rates; the Bill, Number W. about Departers out of the Province; the Bill, Number Y. about buying Land of the Natives; the Bill, Number Z. about binding the the Peace; and the Bill, Number &. against Murder, were read the first Time; and all *carried in the Affirmative*, N. C. D.

The Bill about Stone-Horses running at Large, Number T. dropt, and referred it to the old Law.

Ordered, that *Isaac Norris*, and *Richard Hallowell*, acquaint the Governor, that the House have read the first Time all those Bills which lay before them.

The said Members return, and report, that they had delivered the Message they had in Charge; and the Governor's Answer was, that they would have some Bills ready, and fair

drawn up to present the House; and as for the Bills about Regulation of Courts, they would be ready.

The Bill, for maintaining of Bridges, was read the first Time, and put to the Question, Whether it should pass? *carried in the Affirmative*, by major Votes.

Patrick Robinson, Secretary, came from the Governor with ten Bills.

Edward Shippen, *Jasper Yeats*, *John Hill*, and *Samuel Levis*, are appointed a Committee to draw up a Bill for Settlement of Property; and that they take the Assistance of *David Lloyd*, and *John Moore*, for the better forming the same.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* absent *Richard Wilson*, and the above Committee.

A Bill against Pirates and Privateers, read the first Time, and *voted in the Affirmative*.

The Law of a Freeman, Number A. the Bill, Number D. against Barrators; the Bill Number E, about determining Debts under *Forty Shillings;* the Bill, Number G. about Provincial Council; the Bill, Number H. against Counterfeiters of Hands and Seals; the Bill, Number I. about killing of Wolves; the Bill, Number L. about viewing of Pipe Staves; the Bill, Number N. about taking away Boats; the Bill, Number O. against Cutting Timber Trees; the Bill, Number P. about Firing the Woods; and the Bill, Number Q. about Wears; were read a second Time, and severally put to the Vote, and each *carried in the Affirmative*, N. C. D.

Ordered, that *Thomas Fenwick*, and *John Healy*, attend the Governor with the aforesaid eleven Bills (which have been read To-day a second Time) for his Approbation.——The said Members return, and report, that they delivered the Bills; and that the Governor desired this House would acquaint him when they rise, in order to keep a Correspondence with the House.

A Bill for preventing Hogs running at large, was read the first Time, and put to the Question, Whether it should pass? *carried in the Affirmative*, by major Votes.

Adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.* absent *Richard Wilson*.

The Bill about Testates, and Intestates, was read the first Time, *carried in the Affirmative*, N. C. D.

The Bill about Rangers, and Tobacco Hogsheads, dropt.

The Bill about Appraizors, read the first Time, and *carried in the Affirmative*, by major Votes.

The Bill about Marriages, committed to *Richard Hallowell*, and *Isaac Norris*, to draw up anew.

The Bill about Bills of Exchange, read a first Time, and *carried in the Affirmative*, N. C. D.

The Bill about Mariners not to be trusted, read a first Time, and *carried in the Affirmative*, N. C. D.

The Bill about Licenses, read a first Time, and *carried in the Affirmative*, N. C. D.

The Bill about Grand Jury, read a first Time, and *carried in the Affirmative*, N. C. D.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* absent *Richard Wilson.*

The Bill, Number R. about Ferries and their Rates; The Bill, Number W. about Departers out of the Province: the Bill, Number Y. about buying Land of the Natives; the Bill, Number Z. about binding to the Peace; and the Bill, Number &. against Murder, were read a second Time, and all *voted in the Affirmative*, N. C. D.

The Bill against Pirates, and Sea Robbers, was put to the Question, Whether the latter Clause in the said Bill about trading to *Madagascar*, and *Natoll*, should be left out? *carried in the Affirmative*, by major Votes.——It was then put to the Vote, Whether the said Bill, being read a second Time, should pass into a Law? *carried in the Affirmative*, N. C. D.

The Bill for erecting Bridges, was read a second Time, and *voted in the Affirmative*, by major Votes.

The Bill about Marriages, was read the first Time, and *voted in the Affirmative*, N. C. D.

The Bill for preventing Swine running at large, was read a second Time, and put to the Vote, Whether it should pass? *carried in the Affirmative*, by major Votes

Ordered, that *John Hill*, and *Joseph Baker*, attend the Governor with the said Bills; and to acquaint him, if he had further Business to communicate to this House, they were ready to receive it.——The said Members return, and report, they delivered the Bills;—— and the Governor's Answer was, that he should have Bills ready within Half an Hour.

Adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.* absent *Richard Wilson.*

Patrick Robinson, Secretary, came from the Governor with seventeen Bills, and acquainted the House, that the Governor desired the House would send those Bills, which were before him, and were read a second Time in the House.

Patrick Robinson, Secretary, came from the Governor with

Thirty-one Bills; which had been read in the House a second Time, and sent to the Governor for his Approbation; and also brought the Act of Union.

Ordered, that *Jasper Yeats*, *Edward Shippen*, *Richard Hallowell*, and *Isaac Norris*, acquaint the Governor, that several Members of this House have made a Question, and moved to the House, to know whether the Act of Union be now in Force, or not? If in Force, that they be acquainted by what Law it appears; and desired to see what they subscribed to in their Qualification.

The said Members return, and report, that they had delivered their Message; and the Governor did assure them, that the Act of Union is in Force, and that in a short Time they should have it.

The Bill about Testates, and Intestates; the Bill about Appraizors; the Bill about Bills of Exchange; the Bill about Mariners not to be Trusted; the Bill about Ordinaries; the Bill about Marriages; and the Bill about Grand Jury; were read a second Time, and severally *voted in the Affirmative*, N. C. D.

Adjourned till Three a Clock in the afternoon.

At which Time the House met, *&c.* all appearing except the Three Lower County Members.

Patrick Robinson, Secretary, came from the Governor with seven Bills.

A Bill about Justices Attendance, read the first Time, and *carried in the Affirmative*, N. C. D.

A Bill for County Levies, read the first Time, and *carried in the affirmative*, N. C. D.

A Bill about raising County Levies, read the first Time, and *carried in the Affirmative*, N. C. D.

Adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.* all appeared.

A Bill for preventing Fires in the Towns, *&c.* was read the first Time, and put to the Question, whether it should pass into a Law? *carried in the Affirmative*, by Majority of Votes. ——It was also put to the Question, if it should pass with the Amendments? then *carried in the Affirmative*, N. C. D.

A Bill for rectifying and Stamping Money Weights; a Bill about the Rates of Money; a Bill against removing Land Marks; a Bill about Jurors absenting; a Bill about religious Societies; a Bill about selling Rum, *&c.* mix'd with Water; a Bill about tanned Leather; a Bill about Usury; a Bill about regulating Streets and Water-courses; a Bill for preventing

vexatious Suits; a Bill about Servants; a Bill about recording of Deeds; and a Bill against speaking in Derogation of Courts; were read the first Time, and severally *voted in the Affirmative*, N. C. D.

A Bill for collecting Arrearages of Assessment, was read the first Time, and committed to *Jasper Yeats*, and *Isaac Norris*, to draw up anew.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* absent *Jasper Yeats*, and *Henry Moleston*.

The Bill about Justices Attendance, was read second Time, and put to the Vote, Whether it should pass? *carried in the Affirmative*, by major Votes.

The Bill about County Levies, was read a second Time, and put to the Vote, Whether it should pass? *carried in the Affirmative*, N. C. D.

The Bill for raising County Levies, was read a second Time, and put to the Vote, Whether it should pass? *carried in the Affirmative*, by major Votes.

The Amendment proposed by the Governor in the Bill about Pirates and Privateers, was put to the Vote, Whether it should pass with the said Bill? *carried in the Affirmative*, by major Votes.

The Amendments proposed by the Governor to the Bill for preventing Hogs running at large, were put to the Question Whether they should pass with the said Bill? *carried in the Affirmative*, by major Votes.

Ordered, that *Griffith Owen* and *Thomas Pemberton*, go to the Governor with twelve Bills (which were read in the House a second Time) for his Approbation.

The said Members return, and report, that they have delivered the Bills; and that the Governor desired the House would stay a while, for that he had a Bill to send to the House, which would be ready in a short Time.

Adjourned till Eight a Clock next Second Day Morning.

At which Time the House met, *&c.* absent *Jasper Yeats*, *William Morton*, and *John Hill*.

Proposed by the Members of the Lower Counties, *That the Union shall be confirmed on Condition, that at no Time hereafter the Number of Representatives of the People in Legislation in the Province, shall exceed them of the annexed Counties; but if hereafter more Counties be made in the Province, and thereby more Representatives be added, that then the Union shall cease.*

To which the Members of the Province cannot consent: therefore the House agreed that a Conference be desired with the Proprietary in the Afternoon, to settle the Matter.

Ordered, that *Griffith Owen*, and *Richard Hallowell*, acquaint the Governor, that this House desire, he would be pleased to admit of a Conference with him in the Afternoon.

The said Members return, and report, that they made the Governor acquainted with the Message they had in Charge, with which he readily comply'd, and would be ready to receive the House about four a Clock this Afternoon.

The Bill for preventing Fires in the Towns, *&c.* the Bill for rectifying and stamping Money Weights; the Bill about the Rates of Money; the Bill against removing Land Marks; the Bill about Jurors absenting; the Bill about Registry in religious Societies; the Bill against selling Rum, *&c.* mix'd with Water; the Bill about tann'd Leather; the Bill about Usury; the Bill about regulating Streets and Water-courses; the Bill for preventing vexatious and litigious Suits; the Bill about Servants; the Bill about recording Deeds; the Bill about speaking in Derogation of Courts; and the Bill about Naturalization; was read the second Time, and put to the Question, Whether they should pass into Laws? *carried severally in the Affirmative*, N. C. D.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* all appearing.

Whereupon the House adjourned to the Council Chamber, in order to have a Conference with them about the Act of Union; and having debated thereupon, in a short Time the House returned; and the Speaker assuming the Chair, reported to the House what the Governor had proposed, which was in these Words, *viz.*

That in all Matters and Things whatsoever, wherein the Territories are, or shall be particularly concerned, in Interest or Privilege, distinct from the Province; then, and in that Case, no Act, Law, or Ordinance, in any wise shall pass in any Assembly in this Province, and Territories, unless two Parts in Three of the Members of the said Territories, and the Majority of the Members of the Province concur therein; & ó converso.

Adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.* all appearing.

Whereas Debates have happened in this House about Construction of the Words EQUAL PRIVILEGES, *in the Act of Union, the Lower County Members being of Opinion, that the*

Act is not in Force according to its primitive Institutions; yet respecting the King and Queen's Commission, or Letter Patents to Governor Fletcher, *and since the Proprietary's Restoration to the same,* do resolve *that this House have full Power to act in Legislation; and therefore have with the Consent of the Upper Counties agreed (to prevent the Obstruction in Business, and passing such Laws as may be necessary to the well-being of this Government) to proceed and leave the whole Matter in Debate to the next General Assmbly.*

Patrick Robinson came from the Governor with six Bills, which had been read a second Time, and sent to him for his Approbation.

The House repaired to the Council Chamber, in order to have a farther Debate about the Act of Union, Whether it be in Force or not?——In a short Time the House returned; the Speaker assumed the Chair, and adjourned till Four a Clock in the Afternoon.

At which Time the House met, *&c.* all appeared.

Adjourned till Nine a Clock To-morrow Morning.

At which Time the House met, *&c.* all appearing except *Isaac Norris.*

Ordered, that *Griffith Owen,* and *Robert French,* go to the Governor with fourteen Bills (which had been read here a second Time) for his Approbation.——And further to acquaint him, that this House have laid aside all the Debates which have been about the *Act of Union,* and that they are now proceeding to Business.——The said Members return, and report, they had been with the Governor, and delivered him the Message they had in Charge.

The Bill, Number 1. concerning Liberty of Conscience, was read the third Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative,* N. C. D.

The Bill, Number 2. against Swearing and Cursing, *&c.* was read the third Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative,* N. C. D.

The Bill, Number 3. against Adultery, and Fornication, was read the third Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative,* N. C. D.

The Bill, Number 4. against Incest, Sodomy, and Bestiality, was read the third Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative,* by Majority of Votes.

The Bill, Number 5. against Rape or Ravishment, was read

the third Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, by Majority of Votes.

The Bill, Number 6. against Bigamy, was read the third Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, N. C. D.

The Bill, Number 7. against Drunkenness, and drinking of Healths, was read the third Time, and put to the Vote, whether it should pass into a Law? *carried in the Affirmative*, N. C. D.

The Bill, Number 8. against firing of Houses, was read the third Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, N. C. D.

The Bill, Number 9. against breaking into Houses, was read the third Time, and *carried in the Affirmative*, N. C. D.

The Bill, Number 10. against forcible Entry, was read the third Time, and *carried in the Affirmative*, N. C. D.

The Bill, Number 11. against Riots, Rioters, *&c.* was read the third Time, and *carried in the Affirmative*, N. C. D.

The Bill, Number 12. against assaulting and menacing Parents, Masters, Mistresses, Magistrates, and abusing Magistrates, was read the third Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, N. C. D.

The Bill, Number 14. against Duels, was read the third Time, and put to the Question, Whether it should pass into a Law? *carried in the Affirmative*, N. C. D.

The Bill, Number 15. against Sedition, spreading of false News, and Defamation, was read the third Time, and *carried in the Affirmative*, N. C. D.

The Bill, Number 16. against Scolding and Railing, was read the third Time, and *carried in the Affirmative*, N. C. D.

The Bill, Number 17. against Robbing and Stealing, was read the third Time, and *carried in the Affirmative*, N. C. D.

The Bill, Number 18. about Provision for the Poor, was read the third Time, and *carried in the Affirmative*.

The Bill, Number 19. for regulating Weights and Measures, was read the third Time, and *carried in the Affirmative*, N. C. D.

The Bill, Number 21. about Witnesses, was read the third Time, and *carried in the Affirmative*, by Majority of Votes.

The Bill, Number 22. about Pleading, and Processes, in *English*, was read the third Time, and *carried in the Affirmative*, N. C. D.

The Bill, Number 24. about Fines to be moderate, was read the third Time, and *carried in the Affirmative*, N. C. D.

The Bill, Number 25. about Defalcation, was read the third Time, and *carried in the Affirmative*, N. C. D.

The Bill, Number 27. about verbal Contracts, was read the third Time, and *carried in the Affirmative*, N. C. D.

The Bill, Number 28. about Wills, was read the third Time, and *carried in the Affirmative*, N. C. D.

The Bill, Number 29. against Defacers of Records, was read the third Time, and *carried in the Affirmative*, N. C. D.

The Bill, Number 31. about Bail, *&c.* was read the third Time, and *carried in the Affirmative*, N. C. D.

Ordered, that *Edward Shippen*, and *Richard Hallowell*, carry the foregoing Twenty-six Bills (which have been read in the House a third Time, and passed into Laws) to the Governor for his Approbation therein.

The said Members return, and report they have been with the Governor, and delivered the Message they had in Charge, which he approved of.——The said Members also brought with them fifteen Bills.

The Law of a Freeman, Number A. was read the third Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, N. C. D.

The Bill, Number D. against Barrators, was read the third Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, N. C. D.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* all appeared.

The Bill, Number E. about determining Debts under *Forty Shillings*, was read the third Time, and put to the Vote, Whether it should pass? *carried in the Affirmative*, N. C. D.

The Bill, Number H. against Counterfeiters of Hands, and Seals, was read the third Time, and put to the Vote, Whether it should pass? *carried in the Affirmative*, N. C. D.

The Bill, Number I. about killing of Wolves; the Bill, Number L. about viewing Pipe-staves; the Bill, Number N. about taking away Boats; the Bill, Number O. against cutting Timber Trees; the Bill, Number P. about firing the Woods; the Bill, Number Q. about Wears; the Bill, Number R. about Ferries and their Rates; the Bill, Number W. about Departers out of the Province; the Bill, Number Y. about buying Land of the Natives; the Bill, Number Z. about binding to the Peace; the Bill, Number &. against Murder; the Bill about Appraizors; the Bill about Marriages; and the Law about Bills of Exchange; were read the third Time, and severally *carried in the Affirmative*, N. C. D.

The Bill for erecting Bridges, was read a third Time, and *voted in the Affirmative*, by major *votes*.

The Bill for preventing Hogs running at large, was read a third Time, and *voted in the Affirmative*, by major Votes.

Ordered, That *Nathaniel Newlin*, and *William Morton*, carry the aforesaid Bills (which have been read a third Time) to the Governor for his Approbation.

Adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.* all appearing except *Jasper Yeats* and *Robert French*, who in a short Time appeared.

The Bill for raising County Levies, was read a third Time, and put to the Vote, Whether it should pass with the Amendments into a Law? *carried in the Affimative*, by major Votes.

The Bill about County Levies; the Bill about Licences; the Bill about Jurors absenting; the Bill against selling Rum mix'd with Water; the Bill for rectifying Money Weights; the Bill about the Rates of Money; the Bill about Registry in religious Societies; the Bill about removing Land Marks; the Bill about tanned Leather; the Bill against Usury; and the Bill about regulating the Streets and Water-courses; were read a third Time, and severally *carried in the Affirmative*, N. C. D.

The Bill for preventing vexatious and litigious Suits, read a third Time, and *voted in the Negative.*

The Bill about recording Deeds; the Bill about speaking in Derogation of Courts; the Bill about Naturalization; the Bill about Servants; and the Bill about Grand Juries; were read a third Time, and severally *carried in the Affirmative*, N. C. D.

Ordered, That *Robert French*, and *Griffith Owen*, carry the foregoing Bills to the Governor (which have been read a third Time in the House and passed) for his Concurrence therein; and also to desire that all the Bills which have been read here and sent to him, may be again returned to this House.

The Petition of several inhabitants of *Chester*, against the Law for preventing Hogs running at large, *&c.*——was read.

Phineas Pemberton, and *Thomas Story*, two Members of Council, came from the Governor with several Bills which had been read in this House, and were sent to the Governor for his Approbation, upon which Bills they have made some Amendments, which they desire the House will agree to.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* all appearing except *Robert French.*

Put to the Question, Whether the Amendment in the Bill for preventing Hogs running at large, *viz.* eight Miles from navigable Creeks, should pass with the said Bill? *carried in the Affirmative*, by Majority of Votes.

The Amendment proposed by the Governor upon the Bill about Marriages, is rejected, and shall not pass with the said Bill.

Put to the Question, Whether the Bill for preventing of Accidents which may happen by Fire, should pass into a Law with the Amendment? *carried in the Affirmative*, N. C. D.

Agreed that the Bill about Wills be transcribed, and then, that it be sent to the Governor for his Concurrence therein.

This House agree to the Amendment proposed by the Governor in the Bill about Departers out of the Province.

Adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, &c. all appearing.

The Amendments proposed by the Governor on the Bill touching Seven Years quiet Possession, is rejected, and not to pass; wherefore *resolved* (N. C. D.) if the Governor agree not in passing the Bill proposed, that the old Law concerning *Seven Years quiet Possession*, stand in Force.

The Bill for preventing Fires in the Towns &c. read a third Time, and *voted in the Affirmative*, N. C. D.

The Bill for levying of Fines, was read the first Time, and *voted in the Affirmative*, N. C. D.

The Bill about Orphans Courts, was read the first Time, and *voted in the Affirmative*, N. C. D.

The Bill about Ships calling at *Newcastle*, was read the first Time and *voted in the Affirmative*, N. C. D.

Upon Application from the *Swedes*, about the Law of Naturalization, *Edward Shippen*, and *Jasper Yeats*, were sent to the Governor, that a Clause should be added to the Bill, that the *Swedes*, and other Foreigners, settled here before the Proprietaries coming, may be naturalized without Cause, which he seemed to concur with; and two Members, *viz. Isaac Norris*, and *Jasper Yeats*, were appointed to make some Addition to that Bill.

The Bill about Assize Bread, committed to *Isaac Norris*, and *Robert French*, to draw up anew.

Ordered, That *Robert French*, and *Griffith Owen*, go to the Governor with the Fourteen Bills, which have been read in the House, with the Amendments a third Time, and desire his Concurrence therein.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* all appearing.

Ordered, That *Richard Hallowell, Edward Shippen, Isaac Norris, John Hill, Jasper Yeats*, and *Thomas Pemberton*, be a Committee to peruse and examine the Bill proposed for Regulation of Courts, and compare it with the Law now in Force, and make such Amendments thereon as they find necessary, and make Report thereof to the House.

Adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.* all appearing.

Ordered, That *John Hill*, and *Robert Heaton*, attend the Governor, to know if he would please to concur with this House about the Amendments we made in the Bill concerning seven Years quiet Possession, or that they would confirm the old Law;——if not, Whether he expects this House would attend on him in order for a Conference.——The said Members return, and report, that they have been with the Governor, and delivered the Message they had in Charge; whereupon the Governor relpy'd, that he desired this House would meet him in a Conference; accordingly the House repair to the Council Chamber, in order for a Conference, and in a short Time returned.

It was put to the Question, Whether the Amendments proposed by the Governor on the Bill touching seven Years quiet Possession, should pass with the said Bill? *carried in the Negative.*

Two Members of Council, came from the Governor with four Bills.

The Bill about seven Years quiet Possession; the Bill about Possession in transferring Titles; and the Bill about Trial of petty Offences; were read the first Time, and all *voted in the Affirmative*, N. C. D.

The Bill for levying of Fines; the Bill about Orphans Courts; and the Bill about Ships calling at *Newcastle;* were read a second Time, and all *voted in the Affirmative*, N. C. D.

Put to the Vote, Whether the Bill for raising County Levies, should pass with the Amendments? *carried in the Affirmative*, N. C. D.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.*

A Bill for raising *One Penny per Pound;* and a Bill for erecting or establishing a Post-Office; were read the first Time, and both *voted in the Affirmative*, N. C. D.

The Bill about Petition Fences, *&c.* committed to *Richard*

Hallowell, *Griffith Owen*, and *Robert French*, to draw up anew.

Ordered, That *Thomas Fenwick*, and *Samuel Dark*, carry to the Governor four Bills which had been read in the House a second Time, for his Concurrence.

Ordered, That *Thomas Fenwick*, and *Samuel Levis*, carry the Bill about Fornication and Adultery to the Governor, and acquaint him that the House have left out the Paragraph they had desired.

Adjourned till Eight a Clock next Second Day Morning.

At which Time the House met, *&c.*

The Bill for raising *One Penny per Pound*, was read a second Time, and *voted in the Affirmative*, N. C. D.

"Whereas several Debates have arisen about *Samuel Carpenter's* Demand of a Debt as due from the Government: *Resolved*, that *Samuel Carpenter* shall not be paid that Debt out of the Money to be levied by the aforesaid Law, before he give Satisfaction to a succeeding Assembly,——and that Assembly do allow the Debt to be just.

The Bill for punishing petty Offences; the Bill for erecting or establishing a Post-Office; and the Bill about transferring Titles; were read a second Time, and all *voted in the Affirmative*, N. C. D.

The Bill about seven Years quiet Possession, was read a second Time, and *voted in the Affirmative*, N. C. D.

Ordered, That *John Hill*, and *Joseph Baker*, carry the above five Bills (which have been read a second Time) to the Governor for his Approbation.

The said Members, return, and report, they have delivered the aforesaid Bills.

Thomas Story, and *Phineas Pemberton*, two Members of Council, came from the Governor with eight Bills, and acquainted the House, that they have thought fit to make some Amendments on the Bills.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.*

Put to the Question, Whether the Amendment proposed by the Governor to the Bill about transferring Titles, *&c.* shall pass with the said Bill? *carried in the Negative.*

It was put to the Question, Whether the Bill about seven Years quiet Possession, as it has been read a third Time, should pass into a Law with the Amendments proposed by the Governor? *carried in the Negative.*

It was then put to the Question, Whether the two old Laws

about seven Years quiet Possession, should continue and be in full Force? *carried in the Affirmative.*

Patrick Robinson, Secretary, came from the Governor with the Bill about the Post-Office.

Agreed that the Amendments proposed by the Governor in the Bill of petty Offences, do pass.

The Bill about Pleadings, and Processes in *English*, was read a third Time, and *voted in the Affirmative*, N.C.D.

The Bill about Orphans Courts, was read a third Time, and *voted in the Affirmative*, N.C.D.

Put to the Question, Whether an Amendment should be made in the Bill about Members chosen to serve in Assembly, *viz.* that they should have *Six Shillings* a Day each, and the Speaker *Ten Shillings* a Day, and *Three Pence* a Mile for traveling Charges? *carried in the Affirmative.*

The Bill about Elections, was read the first Time, and put to the Question, Whether it should pass with the Amendment? *carried in the Affirmative*, N.C.D.

Adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.*

The Bill about trying petty Offences; and the Bill for erecting or establishing a Post-Office; were read a third Time, and both *voted in the Affirmative*, N.C.D.

Ordered, That *Samuel Levis*, and *John Healy*, go to the Governor with seven Bills, and acquaint him, the House desire his Concurrence therein.——The said Members return, and make Report, that they have delivered the said Bills, with some few Amendments that they had made on them.

The Bill about Elections, was read the second Time, and *voted in the Affirmative*, N.C.D.

The Bill about raising *One Penny per Pound*, was read the third Time, and *voted in the Affirmative*, N.C.D.

The Bill for regulating Fences, was read the first Time, and *voted in the Affirmative*, N.C.D.

The Bill about sickly Vessels, was read the first Time and *voted in the Affirmative*, N.C.D.

Agreed that the Amendment proposed by this House in the Bill about Testates, and Intestates, as it has been read here a third Time, shall pass with the said Bill into a Law: *carried in the Affirmative*, N.C.D.

Phineas Pemberton, a Member of Council, brought a Bill, and acquainted the House that the Governor thought fit to make an Amendment to the Bill:——Whereupon the House

agreed to the Amendment.——The said Members returned with the three Bills for the Governor's Approbation.

The Bill about Impost, was read the first Time, and put to the Question, Whether it should pass with the Amendments? *carried in the Affirmative*, by major Votes.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* absent the Committee about regulating Courts.

The Bill about Lands to pay Debts, was read the first Time, and *voted in the Affirmative*, N. C. D.

The Bill about Repealings and Attainder of *John Richardson* deceased, was read the first Time, and left to debate in a fuller House.

The Bill for regulating Tobacco Casks, *&c.* was read, and referred till To-morrow in a fuller House.

Adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.* all appearing.

The Bill about Lands to pay Debts was read a second Time and ordered in the Negative.

The Bill about regulating Fences, was read a second Time, and *voted in the Affirmative*, by major Votes.

The Bill about sickly Vessels coming into this Government; the Bill about Impost; and the Bill about regulating Casks, *&c.* were read a second Time, and severally *voted in the Affirmative*, N.C.D.

The Bill about Trial and Punishment of *Negroes*, was read the second Time, and put to the Question, Whether it should pass? *carried in the Affirmative*, by major Votes.

The Heads of the Frame of Government were read the first Time, and put to the Question, Whether they should pass into a Law? *carried in the Affirmative*, by Majority of Votes.

Ordered, That *Thomas Pemberton*, and *John Brinkloe*, carry to the Governor the four Bills (which have been read here a second Time) for his Approbation.

Adjourned till Four a Clock in the Afternoon.

At which Time the House met, *&c.*

The Bill about Roads, was read the first Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, by Majority of Votes.

Adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.* all appeared.

The Bill about the Regulation of Courts was read the first Time, and *carried in the Affirmative*, N.C.D.

The Bill about Attestations, was read the first Time, and *carried in the Affirmative*, by major Votes.

The Bill about sickly Vessels coming into this Government, was read the third Time, and *carried in the Affirmative*, N.C.D.

The Bill about regulating Fences, was read the third Time, and *carried in the Affirmative*, by major Votes.

The Bill about Trial and Punishment of *Negroes*, was read the third Time, and *carried in the Affirmative*, by major Votes.

Adjourned till three a Clock in the Afternoon.

At which Time the House met, *&c.* all appeared.

The Bill for taking Lands in Execution, was read the first Time, and *carried in the Affirmative*, N.C.D.

The Bill about Sale of Intestates Lands, was read the first Time, and *voted in the Affirmative*, N.C.D.

The Bill about Attornies Fees, was read the First Time, and *carried in the Negative.*

The Bill about the Names of Days and Months, was read the first Time, and *carried in the Affirmative*, by major Votes.

The Bill about the Regulation of Elections, was read the third Time, and *carried in the Affirmative*, by major Votes.

John Blunston, a Member of Council, had five Bills, which had been read here a third Time, for the Governor's Approbation.

The Bill about Attachments, was read the first Time, and carried in the Affirmative, by major Votes.

The Bill for regulating Casks, was read the second Time, and *carried in the Affirmative.*

Adjourned till Eight a Clock To-morrow Morning at which Time the House met *&c.* all appeared.

The Bill about Regulation of Casks, was read the third Time, and *carried in the Affirmative*, N.C.D.

The Bill about Impost, was read the third Time, and *carried in the Affirmative*, N.C.D.

John Blunston, and *Caleb Pusey*, came from the Governor, and acquainted the House, that the Governor desired to know if this House had any further Business to offer; the said Members were desired to acquaint the Governor, that there are four Members of this House appointed to attend him, in order for a Conference with him about the Heads of the *Frame of Government.*——Whereupon *Edward Shippen*, *Isaac Norris*, *Richard Hallowell*, and *Jasper Yeats*, were ordered to attend the Governor with the two aforesaid Bills, and *Frame of Government*, which have been read a third Time in this House, for his Concurrence.——The said Members return, and

report, that they have been with the Governor, and delivered him the Bills.

Ordered, That *John Hill* and *Nicholas Pile*, carry to the Governor six Bills, which have been read in the House a second Time, for his Approbation.

The said Members return, and report, that they have been with the Governor, and delivered him the Bills.

The Bill about the Names of Days and Months, was read a second Time, and put to the Question, Whether it should Pass? *carried in the Affirmative*, by major Votes.

The Bill about Land taken in Execution to pay Debts, was read a second Time, and *carried in the Affirmative*, N.C.D.

The Bill impowering Widows and Administrators to sell Lands, was read a second Time, and put to the Vote, whether it should pass? *carried in the Affirmative*, N.C.D.

The Bill about Attachments, was read a second Time, and *carried in the Affirmative*, N. C. D.

The Bill about Attestations, was read a second Time, and put to the Question, Whether it should pass with the Amendments? *carried in the Affirmative*, by major Votes.

The Bill about Roads, was read a second Time, and *carried in the Affirmative*, by major Votes.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* all appeared.

The Bill for Priority of Payments to this Country Creditors, was read the first Time, and put to the Vote, Whether it should pass? *carried in the Affirmative*, N. C. D.

The Bill about Assize of Bread was read the first Time, and *carried in the Affirmative*, N. C. D.

Proposed, that the Bill about Regulation of Courts should be laid aside; *carried in the Negative.*——Then the said Bill was read a second Time, and put to the Question, Whether it should pass into a Law? *carried in the Negative.*

It was also put to the Question, Whether it was the Opinion of this House that the old Law should stand? *carried in the Affirmative.*

Edward Shippen, *Richard Hallowell*, *Jasper Yeats*, and *Isaac Norris*, were appointed a Committee to draw a Bill for the Establishment of Property and to make Report thereof to this House.

It was put to the Question, Whether it is the Opinion of this House, that a Sum of Money be raised out of this Province and Territories, for the Proprietary and Governor, in

order to a Supply for the Support of Government? *resolved in the Affirmative.*

Caleb Pusey, and *John Blunston*, two Members of Council, came from the Governor with six Bills, which had been read in the House a second Time, and sent to him for his Approbation.

The Bill about Country Produce to pay Debts, was read the first Time, and *carried in the Negative.*

Adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.*

The Bill for taking Lands in Execution to pay Debts, was read a third Time, and *carried in the Affirmative*, by major Votes.

The Bill about the Names of Days and Months, was read a third Time, and *carried in the Affirmative*, N. C. D.

The Bill about impowering Widows and Administrators to dispose of Lands, was read a third Time, and *carried in the Affirmative*, N. C. D.

The Bill about Attachments, was read a third Time, and *carried in the Affirmative*, by major Votes.

The Bill about Roads, was read a third Time, and *carried in the Affirmative*, by major Votes.

Rowland Ellis, and *William Morton*, were sent to the Governor with five Bills, which had been read in the House a third Time; the said Members return, and report, that they have delivered the Bills to the Governor.

The Bill for the Preservation of the Person of the Proprietary and Governor, was read a second Time, and *carried in the Affirmative*, N. C. D.

The Bill for Priority of Payment to this Country Creditors, was read a second Time, and *carried in the Affirmative*, N. C. D.

The Bill about the Assize of Bread, was read a second Time, and *carried in the Affirmative*, N. C. D.

John Brinkloe, and *Nathaniel Newlin*, were sent to the Governor with three Bills, which have been read a second Time, for his Approbation.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* all appeared.

The Committee appointed to draw up a Bill for Establishment of Property, report, they have drawn up a Bill, in order for Establishment of Property.——The aforesaid Bill was read the first Time, and *carried in the Affirmative*, N. C. D.

Put to the Question, Whether there should be *Three Pence*

per Pound laid in the Province and Territories, for the Support of Government.

Adjourned till Eight a Clock next Second Day Morning.

At which Time the House met, *&c.* all appearing except *Jasper Yeats.*

The Bill about Assize of Bread; the Bill about Priority of payment to this Country Creditors; and the Bill for the Preservation of the Person of the Proprietary and Governor; were read a third Time, and all *carried in the Affirmative*, N. C. D.

The Bill about Attestation, was read a third Time, and *carried in the Affirmative*, by major Votes.

Thomas Fenwick, and *Joseph Baker*, were sent to the Governor with four Bills, which had been read a third Time, for his Concurrence.

The said Members return, and report, they have been with the Governor, and delivered the Bills; whereupon he reply'd, that he should not stick upon small Things; and further, that he desired this House would make Haste.

The Bill for establishing Property, was read a second Time, and put to the Question, Whether it should pass into a Law? *carried in the Affirmative*, N. C. D.

Adjourned till three a Clock in the Afternoon.

At which Time the House met, *&c.* all appeared.

Adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.* all appeared.

Edward Shippen, *Jasper Yeats*, *Isaac Norris*, and *John Hill*, were sent to the Governor, to acquaint him, that the Assembly could not agree about the Upper and Lower Counties Proportion about the Bill of Support of Government.

The said Members return, and report, that they have been with the Governor, and delivered the Message they had in Charge; and further, that the Governor desired this House would attend him, in order for a Conference.——Whereupon the House repair to the Council Chamber, and in a short Time returned; and the Speaker adjourned till three a Clock in the Afternoon.

At which Time the House met, *&c.* all appeared.

It was put to the Question, Whether the Charge of Legislation in the two last Assemblies and this, should be borne by a Provincial Tax? resolved in the Affirmative, by major Votes; but that this shall not be drawn into Example for the future.

It was put to the Question, Whether it was the Opinion of this House, that *Two Pence per Pound* should be laid on all

the Estates, real and personal, and *Eight Shillings per* Head, for every Freeman in the Province, and Territories, for the Support of Government? *resolved in the Affirmative*, by major Votes.

It was put to the Question, Whether it was the Opinion of this House, that the Bill for Continuation of the Laws should pass? *carried in the Affirmative*, N. C. D.

Richard Hallowell, *Jasper Yeats*, *Robert French*, and *Griffith Owen*, were appointed a Committee to draw the Bills for Support of Government, and Continuation of the Laws in the Petition of Right, and make Report thereof to the House.

Put to the Vote, Whether the Bill about Country Produce should be current Pay in the Territories? *carried in the Affirmative*, by major Votes.

Adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.* all appeared.

Jasper Yeats, and *Isaac Norris*, were appointed a Committee to compare and examine the Bills which were ordered to be drawn up fair.

The Bill about Country Produce to be current Pay in the Territories, was read the second Time, and *carried in the Affirmative*, by Majority of Votes.

It was put to the Question, Whether the Bill about the Attainder of *John Richardson*, should be referred to the next General Assembly? *carried in the Affirmative*, by Majority of Votes.

Adjourned till Two a Clock in the Afternoon.

At which Time the House met, *&c.* all appeared.

The Bill about the Continuation of Laws was read a second Time, and *carried in the Affirmative*, N. C. D.

The Bill about raising *One Penny Halfpenny per pound*, and *Six Shillings per* Head, was read a second Time, and *voted in the Negative*, *viz.* all the Lower County Members for it, and all the Upper County Members against it.

The Bill about raising *Two Pence per Pound*, and *Eight Shillings* per Head, was read a second Time, and *carried in the Negative*, *viz.* all the Upper County Members for it, and all the Lower County Members against it.

Adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.* all appearing.

Edward Shippen was sent to the Governor with two Bills, which have been read here, for his Approbation.

Adjourned till Two a Clock in the Afternoon.

At which Time the House met, *&c.*

Phineas Pemberton, and *John Blunston*, two Members of Council, came from the Governor with five Bills; and further desire to know what this House have done about the Supply of Government.

Put to the Vote, Whether there should be a Bridge erected or built over the Creek at *Chester? carried in the Affirmative*, by major Votes.——*Jasper Yeats* is appointed to draw up a Bill for erecting the said Bridge.

The Bill about Country Produce to be current Pay in the Territories, was read the third Time, and *carried in the Affirmative*, by Majority of Votes.

The Bill for Continuation of the Laws was read a third Time, and *carried in the Affirmative*, N. C. D.

It was put to the Question, Whether *Three Pence per Pound* on all the Estates, real and Personal, and *Twelve Shillings per* Head for every Freeman in the Province, should be levied in the Province and Territories, whereof *One Penny per Pound* of what it raised in the Three Lower Counties, shall be returned back to them, in Consideration of their extraordinary Charge in Legislation; unto which, all the Members of the Upper Counties say, Yea, and all the Members of the Lower Counties say Nay.

John Hill, and *Richard Hough*, were sent to the Governor with four Bills, and to acquaint him this House desire they may be excused from waiting on him To-night. The said Members return, and report, that they have been with the Governor, and delivered him the Bills, and the Message they had in Charge.

Adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.*

It was put to the Question, Whether there should be *Nineteen Hundred Pounds* raised in the Province and Territories, ——*Four Hundred Pounds* of which, shall be paid out of the Territories, clear of all Charges in Collection, and delivered at some convenient Landing-Place in each respective County; and *Fifteen Hundred Pounds* to be paid out of the Province, clear of all Charges in collecting, and to be delivered as aforesaid, for the Support of Government? *carried in the Affirmative*, N. C. D.

It was also put to the Question, Whether there should be *One Hundred Pounds* added to the aforesaid *Nineteen Hundred Pounds; Seventy-Three Pounds* of which, shall be paid out of the Province, clear of all Charges in collecting, and the Residue, *viz. Twenty-seven Pounds*, out of the Territories, to

be paid clear of all Charges as aforesaid, for the Support of Government? *carried in the Affirmative*, by Majority of Votes,

Put to the Question, and *resolved in the Affirmative*, by Majority of Votes, that the six Counties shall pay their Proportion, as followeth, *viz.*

Philadelphia County, ...	L 1025	00	00
Chester County	325	00	00
Bucks County	225	00	00
Newcastle County, ...	180	00	00
Kent County, ...	139	00	00
Suffex County, ...	106	00	00
	L 2000	00	00

Ordered, That *Robert French*, and *Isaac Norris*, draw up the Money Bill.

The Bill about raising *Two Thousand Pounds* for the Support of Government, was read the first Time, and *voted in the Affirmative*, N. C. D.

The Bill for erecting a Bridge over *Chester* Creek, was read a second Time, and *carried in the Affirmative*, by major Votes.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* all present except the Committee on the Money Bill.

The Bill for establishing Property, was read a third Time, and put to the Question, Whether it should pass with the Amendment? *carried in the Affirmative*, N. C. D.

Ordered, That *Richard Hough*, and *John Healy*, attend the Governor with the aforesaid Bill, and acquaint him, that this House desires his Concurrence therein.

The said Members return, and report, that they have been with the Governor, and delivered the Bill; and that the Governor desired this House would attend on him about Eight or Nine a Clock To-morrow Morning, in order for a Conference.

The Petition of *Patrick Robinson* was read, with the Account annexed, amounting to *Fifty-seven Pounds, One Shilling*, and *Two Pence*, and put to the Question, Whether it should be allowed him out of the first Money which should be raised? *carried in the Affirmative*, N. C. D.

Put to the Vote, Whether *Aurelius Hoskins* should have *Twenty Pounds* for his Attendance, as Clerk of this House? *carried in the Affirmative*, N. C. D.

Adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.*

Put to the Question, Whether the County where the General Assembly shall sit, shall be at all the Charge of finding House-room, Firewood, Candles, and Paper? *carried in the Affirmative*, by Majority of Votes.

The Bill for Support of Government, was read a second Time, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, N. C. D.

John Blunston, A Member of Council, came from the Governor, and acquainted the House, that the Governor desired this House would attend on him, in order for a Conference:

Whereupon the House adjourn to the Council Chamber, and in a short Time returned.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* all the Members appeared.

Ordered, That *Jasper Yeats*, and *Isaac Norris*, attend the Governor with the Bill for Support of Government, which has been read a second Time, and desire his Assent.

The said Members return, and make Report, that they have been with the Governor, and delivered him the Bill.

Adjourned till Eight a Clock next Second Day Morning.

At which Time the House met, *&c.* all the Members appearing.

Patrick Robinson, Secretary, came from the Governor, and requested the Bill of Property, which was sent to this House last Seventh Day Night,——which he had with him,——and in a short Time returned it again.

The Heads of *the Frame of Government*, were read a second Time, and put to the Vote, Whether they should be inserted into a Law? *carried in the Affirmative*, by Majority of Votes.

Put to the Question, Whether the Assembly should sit once in three Times in the Territories, and that it should be inserted in the Frame of Government? *carried in the Affirmative*, by Majority of Votes.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* the Members all appeared.

Ordered, That *Jasper, Yeats*, and *Isaac Norris*, attend the Governor with the Heads of *the Frame of Government*, and acquaint him, that this House have drawn up as near as they could.——The said Members return, and report, that they have been with the Governor, and delivered him the Papers; and the Governor's Answer was, that he desired the House would make all the Dispatch they could, for that he intended To-morrow should be the last Day of Sitting.

The Bill for erecting a Bridge over *Chester* Creek, was read a third Time, and *voted in the Affirmative*, N. C. D.

Patrick Robinson, Secretary, came from the Governor, and acquainted the House, that the Governor desired they would attend him, in order for a Conference.——The House thereupon adjourned to the Council Chamber, and in a short Time returned.

Adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.* the Members all appeared.

The Bill for raising *Two Thousand Pounds* for Support of Government, was read a third Time, and *voted in the Affirmative*, N. C. D.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* all appeared.——The House adjourns for an Hour and a Half; then the House met, and

Adjourned till Seven a Clock To-morrow Morning.

At which Time the House met, *&c.*

It is the Opinion of this House, that *Joseph Growdon*, and *Isaac Norris*, be appointed to peruse the Minutes of this Assembly, and to see them fairly drawn up and engrossed.

Patrick Robinson, Secretary, came from the Governor, and acquainted the House, that the Governor is ready to receive this House, in order to be dissolved.——Whereupon the House repair to the Council Chamber, in order to be dissolved.

At an ASSEMBLY, *held at* PHILADELPHIA, *the First Day of the* SIXTH MONTH, 1701, *being the Second Sessions of this* ASSEMBLY.

The Members of the House being called over, there appeared, *viz. Joseph Growdon*, Speaker, *Edward Shippen*, *Isaac Norris*, *Richard Hallowell*, *Robert French*, *John Healy*, *Samuel Levis*, *Nathaniel Newlin*, *Nicholas Pile*, *Joseph Baker*, *Richard Hough*, and *Robert Heaton*.

There appearing but twelve Members this Day, they all attended the Governor, to know his Pleasure in calling this Assembly; who answered, that he would rather choose to defer the Business till there was a greater Number. Whereupon the Assembly adjourned till Nine a Clock To-morrow Morning.

The Assembly met, and the abovesaid Members all appeared.—And further, *viz. John Hill*, *Luke Watson*, *John Brinkloe*, *Samuel Dark*, *Rowland Ellis*, and *Jasper Yeats*, which making a full House,—they attended on the Governor, to know his further Pleasure. Whereupon the Governor ac-

quainted the House, "That the Occasion of his calling us at this Time (though it was with Reluctancy, considering the Season) was to lay before us the King's Letter, requiring *Three Hundred* and *Fifty Pounds* Sterling, from this Government, towards the Fortifications intended on the Frontiers of *New-York;* and though he might have something else to lay before us, yet he deferred all, till we had considered this Point."

The Assembly returned to their House, and before any Debates were entered upon, it was thought requisite to see the King's Letter; whereupon *John Hill*, and *Nathaniel Newlin*, were sent to desire the same of the Governor, who sent it to the House by the said Members.

The House having entered into some Debate thereupon (after reading the said Letter) thought fit to take some further Time to consider of it; whereupon the House adjourned till three a Clock in the Afternoon, and *Isaac Norris* is ordered to get the King's Letter copied, to remain in the House.

The House met, *&c.* And upon some further Consideration it was proposed to adjourn; whereupon the House adjourned till Nine a Clock next Second Day Morning.

At which Time the House met, *&c. Aurelius Hoskins* was chosen Clerk of this Sessions, and *William Woodmansey* Doorkeeper.

Ordered, That *John Hill*, and *Nathaniel Newlin*, attend the Governor, to desire he would be pleased to let this House have his Speech in Writing, in Relation to the King's Letter; and to desire (since it is some Time since the Date of the King's Letter) he would be pleased to inform the House, whether he had received any further Advice from the King, or the Government of *New-York*.—— And also to carry back the King's Letter.—— The said Members return, and report, that they had been with the Governor, and delivered their Message and the King's Letter.——And the Governor's Answer was, that it was not his usual Way to deliver his Speech in Writing: And further to acquaint the House, that he had no later News from the King, since his Letter.

Joseph Growdon, *Jasper Yeats*, *Isaac Norris*, and *Robert French*, were appointed a Committee to draw up an Address to the Governor.

Adjourned till Four a Clock in the Afternoon.

At which Time the House met, *&c.* all appeared except *Edward Shippen.*

Ordered, That *John Brinkloe*, and *Rowland Ellis*, attend the

Governor, and acquaint him, that this House desire to know if he is ready to receive them.

The said Members return, and report, that the Governor is now ready to receive us.——

Whereupon the House adjourned for Half an Hour;——in about which Time the House returned, and the Speaker assuming the Chair, adjourned the House until Nine a Clock To-morrow Morning.

At which Time the House met, *&c.* all the Members appearing.

Ordered, That *Samuel Dark*, and *John Healy*, attend the Governor, to desire he would please to communicate in Writing the Speech he made to the House Yesterday. The said Members return, and report, that they had been with the Governor, and delivered their Message: and his Answer was, that he would send it in a short Time.

James Logan, Secretary, came from the Governor with a Minute of Council, and acquainted the House, that the Governor was not willing to give his Speech any otherwise——in Writing,——because he had not usually done it.

The said Minute being read and considered, it was thought somewhat short of what this House apprehended needful to ground their intended Address upon, no particular Mention being made of the King's Letter, or the Sum to be raised.—— Whereupon *Richard Hallowell*, and *Isaac Norris*, were ordered to acquaint the Governor therewith, and to desire he would be more full in the Recital of what he had said to the House.

The said Members return, and report, that they had acquainted the Governor with their Message; who answered, his Speech was delivered extempore, and that he had sent the House the Substance of what he had recollected; but if we thought the particular Mention of the King's Letter was needful, he would insert it.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* all the Members appeared.

Ordered, That *Edward Shippen*, and *Robert French*, attend the Governor with the Minute of Council, and acquaint him, that the House desired he would be pleased to insert in the said Minute about the King's Commands in his late Letter, which now lay before the House, for the raising of *Three Hundred* and *Fifty Pounds*, towards the erecting or building of Forts on the Frontiers of *New-York*.

The said Members return, and report, that they had been

with the Governor, and delivered their Message; and his Answer was, that he desired the Address which was drawn up by the House, otherwise he would take their verbal Answer, and send it to the King.

The Address to the Proprietary and Governor was read, and put to the Question, Whether it should be sent? *carried in the Affirmative*, N. C. D.

TO WILLIAM PENN, Proprietary, and Governor of *Pennsylvania.*

The humble Address of the Assembly.

May it please our Proprietary, and Governor,

We the Freemen of the Province and Territories, in Assembly met, having perused the King's Letter, requiring a Contribution of Three Hundred *and* Fifty Pounds *Sterling, towards erecting of Forts on the Frontiers of* New-York, *&c. and having duly weigh'd and consider'd our Duty and Loyalty to our Sovereign, do humbly address and represent, That by Reason of the Infancy of this Colony, and the great Charge and Cost the Inhabitants have hitherto been at in the Settlement thereof, and because of late great Sums of Money have been assessed on this Province and Territories, by way of Impost and Taxes, beside the Arrears of Quitrents owing by the People, our present Capacity will hardly admit of levying of Money at this Time. And further, taking into our Consideration, that the adjacent Provinces have hitherto (as far as we can understand) done nothing in this Matter; we are therefore humbly of Opinion, and accordingly move, that the further Consideration of the King's Letter may be referred to another Meeting of Assembly, or until more emergent Occasions shall require our further Preceedings therein: In the mean Time, we earnestly desire the Proprietary would candidly represent our Conditions to the King, and assure him of our Readiness (according to our Abilities) to acquiesce with, and answer his Commands, so far as our religious Persuasions shall permit, as becomes loyal and faithful Subjects so to do.*

Adjourned till Nine a Clock To-morrow Morning.

At which Time the House met, *&c.* the Members all appeared.

Ordered, That *Rowland Ellis*, and *John Healy*, attend the Governor, and acquaint him, that this House desire to know if he is ready to receive them.

It is the Order of the House, that *William Woodmansey* shall have *Thirty Shillings* for his Service in this and the last Assembly.

The said Members return, and report, that they have been with the Governor, and delivered their Message; and that his answer was, he is now ready to receive the House.

Whereupon the House adjourn to the Council Chamber, and in a short Time returned to the House again, being dissolved by the Governor, at the Request of the House.

AT an ASSEMBLY, *held at* PHILADELPHIA, *the Fifteenth Day of* SEPTEMBER, 1701.

The Members returned by the Sheriffs of the respective Counties chosen by the Governor's Writs, are,

Philadelphia.	Bucks.
Anthony Morris,	*Joseph Growdon,* Speaker.
Samuel Richardson,	*John Swift,*
Nicholas Waine,	*Joshua Hoopes,*
Isaac Norris	*William Paxton.*
Chester.	**Newcastle.**
John Blunston,	*Jasper Yeats,*
Robert Pile,	*John Donaldson,*
Nathaniel Newlin,	*Richard Hallowell,*
Andrew Job.	*Adam Peterson.*
Kent.	**Sussex.**
William Rodney,	*William Clarke,*
John Brinkloe,	*Luke Watson,* jun.
William Morton,	*Samuel Preston,*
John Walker.	*Joseph Booth.*

All the abovesaid Members being met, except *Joseph Booth*, who was sick at home, being Twenty-three Persons,——they waited on the Governor, and after being qualified before the Governor in Council, he was pleased to read his Speech to the Assembly, and desired them to go to their House and choose a Speaker, and he would send his Speech in Writing.

Being returned, the House proceeded to choose a Speaker, ——and accordingly chose *Joseph Growdon*, who was forthwith conducted to the Chair. And Two Members were ordered to wait on the Governor, to know if he was ready to receive the House, in order to present their Speaker.

The said Members return'd and acquainted the House, that the Governor was then ready to receive them.

Whereupon the House attended the Governor, and presented

their Speaker, whom he was pleased to approve of; and earnestly recommended to the House Dispatch and Unanimity, in the Matters which might come before them.——The House returned, and

Adjourned till Eight a Clock To-morrow Morning.

About which Time the House met, and being a full House it was proposed, that a Committee be appointed to peruse THE OLD CHARTER, THE CONCESSIONS, *&c.* in order to draw up Heads of Privileges relating to Property, and to make Return to the House of what they do, for their further Consideration and Debate, and to be humbly offered to the Proprietary for his Assent.——And voted that six Members be appointed for the Service aforesaid, and *carried in the Affirmative.* Whereupon *Anthony Morris, John Swift, Robert Pile, Richard Hallowell, William Rodney,* and *William Clarke,* were appointed a Committee for that Purpose:——And that they make their Report To-morrow Morning.

The Governor's Speech being brought under Consideration, ordered that the said Speech be read in the House, which was accordingly read, and is as follows, *viz.*

"You cannot be more concerned than I am, at the Frequency of your Service in Assembly, since I am very sensible of the Trouble and Charge it contracts upon the Country, but the Motives being considered, and that you must have met of Course in the next Month, I hope you will not think it vexatious now.

"The Reasons that hasten your Sessions is the Necessity I am under through the Endeavours of the Enemies of the Prosperity of this Country, to go for *England,* where taking the Advantage of my Absence, some have attempted by false or unreasonable Charges, to undermine our Government; and thereby the true Value of our Labours and Property, Government having been our first Encouragement. I confess I cannot think of such a Voyage without great Reluctancy of Mind, having promised myself the Quietness of a Wilderness, and that I might stay so long at least with you, as to render every Body entirely easy and safe, for my Heart is among you as well as my Body, whatever some People may please to think; and no Unkindness, or Disappointment, shall (with Submission to God's Providence) ever be able to alter my Love to the Country, and Resolution to return and settle my Family and Posterity in it; but having Reason to believe I can at this Time best to serve you and myself on that Side of the Water, neither the Rudeness of the Season, nor the

tender Circumstances of my Family, can overrule my Inclination to undertake it.

Think therefore, since all Men are mortal, of some suitable Expedient and Provision for your Safety, as well in your Privileges as Property, and you will find me ready to comply with whatsoever may render us happy by a nearer Union of our Interests

Review again your Laws, propose new Ones that may better your Circumstances, and what you do, do it quickly, remembering that the Parliament sits the End of the next Month, and that the sooner I am there, the safer I hope we shall all be here.——I must recommend to your serious Thoughts and Care, the King's Letter to me for the Assistance of *New-York* with *Three Hundred* and *Fifty Pounds* Sterling, as a Frontier Government, and therefore exposed to a much greater Expence in Proportion to other Colonies, which I called the last Assembly to take into their Consideration, and they were pleased for the Reasons then given, to refer to this.

I am also to tell you the good News of the Governor of *New-York's* happy Issue of his Conferences with the *Five Nations* of *Indians*, that he hath not only made Peace with them for the King's Subjects of that Colony, but as I had by some Letters before desired him, for those of all other Governments under the Crown of *England*, on the Continent of *America;* as also the Nations of *Indians* within those respective Colonies, which certainly merits our Acknowledgements.

I have done when I have told you, that Unanimity and Dispatch are the Life of Business; and that I desire and expect it from you for your own Sakes, since it may so much contribute to the Disappointment of those that too long have sought the Ruin of our young Country.

Upon Consideration whereof, the Speaker was desired to draw up an Address of the Thanks of this House, for his kind Expressions and Offers of confirming the Rights and Privileges of the People of this Government.

Adjourned till Three a Clock in the Afternoon.

The House met, *&c.* absent *Joseph Booth.*

The Speaker offerd the Paper he had drawn up which was read, and after some Admendment was fairly engross'd and agreed that the Speaker, with all the Members (except the Committee) attend the Governor therewith, which was accordingly done;——the House adjourning for Half an Hour.

The Speaker and Members returning to the House,——

the Speaker assumed the Chair, and acquainted the House, that the Governor answered, *The Words of his Speech were in his Heart.*

The Address of Thanks was in these Words, *viz.*

May it please the Proprietary, and Governor,

We have this Day in Assembly read thy Speech delivered in Council, and having duly considered the same, cannot but be under a deep Sense of Sorrow for thy Purpose of so Speedily leaving us; and, at the same Time, taking Notice of thy paternal Regards of us and our Posterity, the Freeholders of this Province, and Territories annexed, in thy loving and kind Expressions of being ready to comply with whatsoever Expedient and Provision we shall offer for our Safety, as well in Privileges as Property, and what else may render us happy in a nearer Union of our Interests; not doubting the Performance of what thou hast been pleased so lovingly to promise, do in much Humility, and as a Token of our Gratitude, render unto thee the unfeigned Thanks of this House.

JOSEPH GROWDON, *Speaker.*

Adjourned till Nine a Clock To-morrow Morning.

At which Time the House met, except the Committee.

The House taking into Consideration the other Parts of the King's Speech, thought fit to review the Laws; whereupon *Adam Peterson,* and *William Paxton,* were ordered to go to the Secretary for the Roll of Laws,——who returned with the said Roll.

Adjourned till Eight a Clock To-morrow Morning.

At which Time the House met, *&c.* proceeded to reading and perusing the Body of Laws, and finished the same, being the first Reading.

Ordered, That *Patrick Robinson, David Lloyd,* and *Aurelius Hoskins,* be sent for to attend the House at Four a Clock in the Afternoon, to enquire for a Minute Book belonging to the Assembly.

The said Book was brought into the House by *Patrick Robinson.*

An Address of the Inhabitants of *Philadelphia,* brought into the House by one of the Members, was read, containing sundry Requests and Grievances, and desiring Redress of the same.

Ordered, That *Jasper Yeats,* and *Isaac Norris,* be added to the Committee to consider the Address, and that the Address be laid before the Committee.

Ordered, That the Governor's Speech, and the Address of Thanks, be printed.

A Petition of *Mary Claypoole* was read, complaining of sundry Debts due unto her late Husband, *John Claypoole*, and ordered that she appear at the House in the Afternoon.

Ordered, That the Committee have Leave to send for *Joseph Wilcox*, *Joshua Carpenter*, *David Lloyd*, and *Francis Rawle*, or others, named in the said Address, if they see fit.

Adjourned till Three a Clock in the Afternoon.

The House met, *&c. Mary Claypoole*, according to the Order of the House in the Morning, came into the House, and brought sundry Bills of Account for sundry Sums disburs'd by her late Husband, on which her Petition was grounded; which said Petition being again read, and duly considered, was found not to lie before this House; whereupon she being called into the House again, was ordered to apply herself to the County Court.

Adjourned till Nine a Clock To-morrow Morning.

The House being met (*viz.* all but the Committee) it was proposed whether the House should enter on any Business before the said Committee came in.——Half an Hour past Ten the Committee came in, and brought in their Report upon the said Address, which was read and compared therewith.

Ordered, That the same be debated Article by Article.

The first Article was read and debated; voted, Whether the same be recommended to the Proprietary for his Assent? *carried in the Affirmative*, N.C.D.

The second Article was read and debated; voted *(ut supra)* N.C.D.

The third Article was read and debated; voted *(ut supra)* except the Words *(for longer Time for Survey)* N.C.D.

The fourth, fifth, sixth, and seventh Articles, were read; voted *(ut supra)* N.C.D.

The eighth Article was read and debated; *voted in the Affirmative*, by Majority.

The ninth Article was read and debated; *voted in the Affirmative.*

The tenth Article was read and debated; *voted in the Affirmative*, N.C.D.

The eleventh Article was read and debated; *voted* (as altered by the Committee) N.C.D.

The twelfth Article was read and debated; *voted in the Affirmative*, N.C.D.

The Committee appointed for Property and Privileges, brought into the House several Heads to that Purpose, which

were read and debated Article by Article, and severally *carried in the Affirmative.*

Adjourned till Three a Clock in the Afternoon.

The House met, *&c.*

William Clarke, Chairman of the Committee, presented their Report.

Ordered, (N.C.D.) That the said Report be laid before the Proprietary.

A Petition from *Patience Lloyd*, setting forth the Services of her late Husband *Thomas Lloyd*, as Deputy Governor of this Province, *&c.* and not having received any Satisfaction for the same, was read, and ordered that the Petition be recommended to the Governor, desiring that he would take the same into his Consideration, in respect that the said *Thomas Lloyd* was deputed by him, and make such Answer to the Widow as he thinks fit.

Put to the Vote, Whether the Address, *That the Marshes be laid out for a Common for the Lower Counties*, be present to the Proprietary? and *carried in the Affirmative*, by the Majority.

A Petition of *William Guest*, was read; ordered that the same be amended.

Ordered, That the Address of the Inhabitants of *Philadelphia*, and the Report of the Committee, be recommitted to *Jasper Yeats*, and *Anthony Morris*, to draw up the Sense of the House thereupon, in order to be presented to the Proprietary for his Approbation.

Adjourned till Ten a Clock To-morrow Morning.

The House met, *&c.*

Jasper Yeats, and *Anthony Morris*, brought in the Heads they had drawn up to be presented to the Proprietary, which were read.——*Proposed*, Whether the Words *(and others)* be added to the preceding Words *(Indian Purchases?) carried in the Affirmative*, by Major Votes.

Ordered, (N.C.D.) That the said Address be recommended to the Proprietary for his Approbation.

Ordered, That *John Blunston*, and *Anthony Morris*, wait on the Governor, to know his Pleasure when this House should wait on him with the Address.——The said Members returned, and informed the House, that the Proprietary will endeavour to be ready with his Council, about Five a Clock this Afternoon.

Adjourned till Four a Clock in the Afternoon.

The House met, *&c.*

Ordered, That the Speaker sign the Address to go to the Proprietary, which was done accordingly.

May it please the Governor,

We the Representatives of the Freemen of the Province and Territories, in Assembly met, having taken into serious Consideration some Articles concerning our Privileges in Property, incited by an Address to this House from the Inhabitants of this Place, and encouraged by thyself in setting forth thy Care of us, and Promises of Compliance therewith, do humbly offer the following Heads for Confirmation, requesting they may be granted the People of the Province and Territories, and ascertained to them in a Charter.

Imprimis, *That in case the Proprietary go for* England, *due Care be taken that he be represented here by Persons of Integrity, and considerable known Estates, who may have full Power and Authority not only to grant and confirm Lands, &c. as effectually as if he were personally present, but also to make Satisfaction to those who have short, as well as receive what may be due from those who have too much over Measure, according to former Agreement.*

II. *That before the Proprietary go for* England, *he grant us such an Instrument as may absolutely secure and defend us in our Estates and Properties, from himself, his Heirs and Assigns, for ever, or any claiming under him, them, or any of them, as also to clear all* Indian *purchases and others.*

III. *That whereas there hath been great Delay in the Confirmation of Land, and granting of Patents, due Care may be taken by the Proprietary, that no such Delays may be for the future; and that the ten Acres in the Hundred may be allowed, according to the Proprietary's Engagements.*

IV. *That no Surveyor, Secretary, or any other Officer under the Proprietary, presume to exact or take any Fees but what were, is or shall be allowed by the Laws of this Providence, under severe Penalties.*

V. *That no Person or Persons shall or may at any Time hereafter, be liable to answer any Complaint, Matter, or Thing whatsoever, relating to Property, before the Governor or his Council, or in any other Place but in the ordinary Courts of Justice.*

VI. *That the antient Records made before the Proprietary's first arrival here, be lodged in such Hands as the Assembly shall judge to be most fit.*

VII. *That a Patent-Office, and all actual Surveyors thereby employed, may be modelled according to the Laws of* Jamaica,

and such Security taken, as may render the People's Interest safe.

VIII. *That whereas the Proprietary formerly gave the Purchasers an Expectation of a certain Tract of Land which is since laid out, about two Miles long, and one Mile Broad, whereon to build the Town of Philadelphia, and that the same should be a free Gift; which since has been clogg'd with divers Rents and Reservations, contrary to the first Design and Grant, and to the great Dissatisfaction of the Inhabitants: We desire the Governor to take it into Consideration, and make them easy therein.*

IX. *That the Land lying back of that Part of the Town already built, remain for common, and that no leases be granted for the future to make Inclosures to the Damage of the Publick, until such Time as the respective Owners shall be ready to build or improve thereon; and that the Islands and Flats near the Town, be left to the Inhabitants of this Town to get their Winter Fodder.*

X. *That the Streets of the Town be regulated and bounded, and that the Ends of the Streets on Delaware and Schuylkill be unlimited, and left free to be extended on the River, as the Inhabitants shall see meet; and that publick Landing-Places at the* Blue-Anchor *and* Penny-pot house, *be confirmed free to the Inhabitants of this Town, not infringing any Man's Property.*

XI. *That the Justices may have the licencing and regulating Ordinaries and Drinking-houses, as in* England; *and as by thy* Letter *dated* November 5, 1697, *did order.*

XII. *That the Letters of Foeffment for the Soil for the Three Lower Counties from the Duke of* York, *be recorded in the Territories.*

XIII. *That all Lands in the said Counties not yet taken up, may be disposed of at the old Rent, of a Bushel of Wheat a Hundred.*

XIV. *That the Thousand Acres of Land formerly promised by the Governor to the Town of* Newcastle *for Common, be laid out and patented for that Use.*

XV. *That the Bank Lots at* Newcastle *be granted to those that have the Front Lots to Low-water Mark, or so far as they may improve, at a a Bushel of Wheat a Lot.*

XVI. *That all the Bay marshes be laid out for Common, except such as are already granted.*

XVII. *That all Patents hereafter to be granted to the Territories, be on the same Conditions as the Warrants of Grants were obtained.*

XVIII. *That the Division Lines between the Counties of* Newcastle *and* Chester *be ascertained, allowing the Bounds according to the Proprietary's Letters Patent from the King.*

XIX. *That the Twenty-second Article in the Old Charter, concerning Fishing and Fowling, be confirmed.*

XX. *That the Inhabitants or Possessors of Land may have Liberty to purchase off their Quitrents as formerly promised,*

XXI. *That the Bill of Property passed at* Newcastle, 1700 *be inserted in the Charter, with such Amendments as shall be agreed on.*

Signed by Order of the House,

JOSEPH GROWDEN, *Speaker.*

Ordered, That *Luke Watson*, and *Andrew Job*, go to the Proprietary, to know whether he was ready to receive them with the Address? who returned and brought Answer, that he was not at home.

John Blunston, and *Nicholas Walne*, came into the House with a Message from the Governor, that he was ready to receive the Address;——whereupon the House adjourned for Half an Hour,——and went to wait on the Proprietary.

Another Petition of *William Guest* was brought into the House, and ordered to be amended.

September 23d.

The House met, *&c.* there being a Quorum adjourned till Nine a Clock in the Morning.

The House met, the Speaker assuming the Chair, and the House being called over, nine of the Members being absent, and the Provincial Court sitting this Day, where one of the Members was obliged to be:——It being the Time of the Yearly Meeting, and not a full House, it was ordered that the House be adjourned till Nine a Clock To-morrow Morning.

The House being met, *viz.* the Majority, it was proposed, Whether the King's Letter be considered, or whether the House send to the Governor, to know his Answer to the Address? Whereupon it was motioned, that there being another Letter sent from the King to the Proprietary, that that Letter may be sent for,——which was waved, and agreed on, that the Letter relating to the Supply of *New-York*, should be read and debated, which was done accordingly.

Put to the Vote, Whether a Bill be brought in for raising Money for *New-York*, according to the Tenor of the said Letter? and *carried in the Negative*, by the whole House;——in Con-

sideration it had been before a former Assembly, who for divers Reasons given, did then refer it, and there being no fresh Occasion given for the raising the said Sum of Money; and in Consideration of the great Taxes lately raised, and the Incapacity this Province and the Territories are in at present to raise Money, *&c.*

Ordered, That *Anthony Morris*, and *John Brinkloe*, wait on the Governor, to know his Answer to the Address. Who return, and say, he was not at home.

Ordered, That *John Blunston* go to *Samuel Carpenter*, Treasurer, to demand his Accounts of the Provincial Tax, and that he bring them in on *Saturday* next in the Morning.

A Petition from *William Guest* was read.——Resolved, that the Case be recommended to the Governor, and that he be humbly desired to order a Re-hearing of the whole Matter, whereby Relief may be granted according to the Merit of the Case.

Resolved, That the Laws be printed at large.

Adjourned till Three a Clock in the Afternoon.

At which Time the Speaker assumed the Chair, and the House being called over, the major Part appeared.

Ordered, That *Anthony Morris*, and *John Brinkloe*, go again to wait on the Governor to request his Answer to the Address, and to desire a List of the Laws sent to *England* for the King's Approbation; who return, and say, they have done their Message, and that the Governor Answered, "They had had the Business in Debate, but desired a Conference with the whole House in the Morning at Eight a Clock, when they should have a more particular Answer.——That the Laws were marked, and they would look for them; when found they should be given in."

Samuel Carpenter, and *Caleb Pusey*, two Members of Council, came from the Governor, and desire the Address of the Inhabitants.

Proposed, Whether the same be sent, or no?——And agreed on.

Put to the Vote, Whether a Copy thereof be sent to the Governor? and *carried in the Affirmative.*——Then the two Members of Council being again called into the House, were told, that the Governor should have a Copy of the said Address this Night, or in the Morning.

Ordered, That a Copy be drawn in order thereto, which was done.

Adjourned till Eight a Clock To-morrow Morning.

The House met, &c. all appeared execept *John Swift*, and *Samuel Preston.*

Ordered, That the Copy of the Address be read, and compared with the Original, which was done accordingly; and in the mean Time *William Morton*, and *Andrew Job*, were sent to wait on the Governor, to know whether he be ready to receive the House?——who return, and say, that the Governor would be ready to receive them in a Quarter of an Hour.

Adjourned for an Hour, and the whole House went to wait upon the Governor with the Copy of the Address.

The Members being returned to their House, the Speaker assumed the Chair, and reported to the House, that the Governor seem'd very much displeased they had not gone on in the old Road of Privileges, but had entered on that of Property.—The Speaker also presented to the House a List of Laws sent for *England* for the King's Approbation, which was read and debated, containing Sixty-nine in Number.

Ordered, That *Anthony Morris*, and *William Rodney*, wait on the Governor, to desire him to send to the House what he had drawn up relating to Privileges, in order to make Dispatch.——Who having done their Message, returned to the House, and brought two Papers from the Governor, containing Heads of *a Frame of Government;*——and another Paper containing several Heads proposed, which were submitted to the Consideration of the House.

Adjourned till Three a Clock in the Afternoon.

The House met, *&c.*

It was proposed, that the Heads be read and considered, in order to appoint a Committee to consider of the same.

Ordered, That *William Rodney*, and *John Blunston*, go to the Governor, and desire him to give in his Answer to the Heads of the Address of this House, for that they think is the most weighty Business before them.——The said Members return, and say, that the Governor's Answer was,

That his Council would meet about Five a Clock, and about Six the House might have his Answer, for they had considered or looked over the Heads of the Address.

A Petition from the Grand Jury of *Chester* County was read, requesting an Act may be made to enable them to sell the Ruins of the old Court House;—left for further Consideration.

Isaac Norris, *John Blunston*, *Joshua Hoopes*, and *William Clarke*, were appointed a Committee to consider of some Heads of Privileges.

Adjourned till Eight a Clock To-morrow Morning.

The Speaker assumed the Chair, divers of the Members being present; but the Governor's Answer not being come, and so nothing material to proceed on, they adjourned for an Hour. About which Time the House met.

Ordered, That *Samuel Richardson*, and *Adam Peterson*, wait on the Governor, to request his Answer to the said proposed Heads,——who return, and say, that the Governor answered, His Council had not met, and that they had not considered the Matter; but when they had consulted it, he would send two Members of Council with his Answer.

A Petition of *Margaret Richardson* was read, desiring a Separation or Divorce; it was the Opinion of this House, they had nothing to do with it, but refer her to the Laws of the Government for Relief.

Adjourned till Eleven a Clock next *Monday* Morning.

At which Time the House met, *&c.* all appeared except *William Clarke*.

Ordered, That *Nathaniel Newlin*, and *Luke Watson*, go to the Governor to know his Answer to the Assembly's Address;—— who return, and say, the Governor's Answer was "He takes it hard the House does not proceed to other Business, or to consider the other Parts of his Speech; and that he desires a Conference at Four of the Clock in the Afternoon; and he thinks it as reasonable they should proceed to the other Parts of his Speech, as that he should be press'd to an Answer to the Address."

Adjourned till Three a Clock in the Afternoon.

The House met, *&c.* the Majority appeared.

Ordered, That *Samuel Richardson*, and *John Walker*, wait on the Governor, and acquaint him that the House is ready to wait on him, in order to the Conference proposed by him, if he is ready to receive them; who return, and say, the Governor was not at home;——whereupon the said Members were sent a second Time, who return, and say, the Governor is ready to receive them.

Three Quarters of an Hour past Four the whole House adjourned, and went to wait upon the Governor.

The House returned from the Governor's, and the Speaker assuming the Chair, presented the Governor's Answer to the Address in Writing, Head by Head, which was read, and is as follows, *viz.*

The Answer of the Proprietary and Governor, to the Address of the Assembly, Head by Head.

"(To the first; I shall appoint those in whom I can con-

fide, whose Powers shall be sufficient and publick for the Security of all concerned; and I hope they shall be of honest Character, without just Exception, to do that which is right between you and me.

"II. Much of it is included in my Answer to the first; however, I am willing to execute a publick Instrument or Charter to secure you in your Properties, according to Purchase, and the Law of Property made lately at *Newcastle*, excepting some Corrections or Amendments, absolutely necessary therein.

"III. I know of no wilful Delays, and shall use my Endeavours to prevent any for the future, and am very willing to allow the ten Acres *per Cent.* for the Ends proposed by Law, and not otherwise.

"IV. I am willing that reasonable Fees to Officers shall be ascertained by Law, or their Services left to a *quantum Meruit*, for I hope you do not think they should be maintained at my Charge.

"V. I know of no Person that has been obliged to answer before the Governor and Council in such Cases; but I conceive that Disputes about unconfin'd Properties must lie before the Proprietary, though not before his Council as Judges.

"VI. The Records concern me as well as the People, and are or shall be in the Hands of Men of good Fame, and to keep them only during good Behaviour; but those of this County of *Philadelphia*, that chiefly concern the People, are in so great Disorder, by Razures, Blots, and Interlineations, that you would do well to use some Method in Time for their Rectification.

"VII. If the *Jamaica* Law will improve our Regulation as it doth augment the Fees, I am content we copy after it.

"VIII. You are under a Mistake in Fact; I have ty'd you to nothing in the Allotment of the City, which the first Purchasers then present did not readily seem to comply with, and I am sorry to find their Names to such an Address as that presented to you, who have got double Lots by my Re-aplotment of the City, from Fifty, to One Hundred and Two Feet, Front Lots; and if they are willing to refund the Fifty-two Feet, I shall, as you desire, be easy in the Quitrents, although this Matter solely refers to the first Purchasers, and to me as Proprietary.

"IX. You are under a Misapprehension, to think that a Fourth Part of the Land laid out for a City, belongs to any Body but myself, it being reserv'd for such as were not first Purchasers, who might want to build in future Time;

and when I reflect upon the great Abuse done me in my Absence, by destroying of my Timber and Wood, and how the Land is overrun with Brush, to the Injury and Discredit of the Town, it is small Encouragement to grant your Request; however, I am content that some Land be laid out for the Accommodation of the Town, till Inhabitants Present to settle it under Regulations that shall be thought most conducing to the End desired; about which, I shall consult with those Persons chiefly concerned therein; and for the rest of the ninth Article, about the Islands, I know not which you mean, nor on what Terms desired, it being an independant Property from the Town, if not from the Province.

"X. About the Ends of Streets, and other publick Landings of this Town, I am willing to grant the Ends of Streets when and where improved, and the other according to your Request.

"XI. I am contented that no Licenses be granted to any Ordinary-keepers, but such as the Justices shall recommend, nor suffer them longer, than the Magistrates find they behave well.

"XII. I do not understand it, for I had no Letters of Feoffment but Deeds, which were recorded by *Ephraim Harman*, at *Newcastle*, and *John West*, to the best of my Memory, at *New-York*, and since confirmed by the Order of Council for the Line as well as otherwise, and a most formal Possession and Obedience given me in Pursuance thereof.

"XIII. I think this an unreasonable Article, either to limit me in that which is my own, or to deprive me of the Benefit of raising in Proportion to the Advantage which Time gives to other Mens Properties, and the rather because I am yet in Disburse for that long and expensive Controversy with the Lord *Baltimore*, promised to be defray'd by the Publick, as appears by the Minutes of Council.

"XIV. I allow it according to what I lately express'd at *Newcastle*, and it is not my Fault it has not been done sooner.

"XV. According to their own Proposals at *Newcastle* I shall gratify their Desire, *viz.* That the same revert to me after a certain Time, if not improved.

"XVI. This I take for a high Imposition; however, I am willing that they all lie in Common and free until otherwise disposed of, and shall grant the same from Time to Time in reasonable Portions, and upon reasonable Terms, especially to such as shall engage to drain and improve the same; having always a Regard to back Inhabitants for their Accommodations.

"XVII. I cannot well understand it; therefore it must be explained.

"XVIII. It is my own Inclination, and I desire and expect the Representatives of *Newcastle* and *Chester* forthwith, or before they leave the Town, to attend me about the Time and Method of doing it.

"XIX. They shall have Liberty to fish, fowl, and hunt, upon their own Lands, and upon all other Lands that are mine untaken up.

"XX. If it should be my Lot to lose a publick Support, I must depend upon my Rents for a Supply, and therefore must not easily part with them; and many Years are elapsed since I made that Offer that was not accepted.

"XXI. I agree that the Law of Property made at *Newcastle*, shall be inserted in the Charter, with requisite Amendments.

Adjourned till Nine a Clock To-morrow Morning.

The House met, *&c.*——*Ordered*, That the Governor's Answer be again read and debated upon Article by Article, and Resolves made thereupon.

Edward Shippen, a Member of Council, came into the House, and desired to know, whether the House have any Business with the Governor this Day or To-morrow?——who being ordered to withdraw, was called in again, and told, that the Assembly would send two Members to acquaint the Governor, that they desired a Conference with him, either now, or in the Afternoon.

Ordered, That *John Swift*, and *William Rodney*, go and acquaint the Governor, that upon reading the Heads of the Answer to the Address, finding it necessary to have a Conference before they could finish, and understanding he had Occasion to go out of Town, desire a Conference, either now, or in the Afternoon; who return, and say, the Governor is ready immediately to receive the House, who went accordingly, where they had a Conference concerning the Proprietary's Title to the Lower Counties, on what Grounds they were, *&c.*

Adjourned till Three a Clock in the Afternoon.

The House met, *&c.*

The Speaker proposed that Word be sent to the Proprietary, according to his Request.——

Ordered, That *Luke Watson*, and *Joshua Hoopes*, wait on him, and acquaint him, that it was the Opinion of the House, they should have nothing to lay before him this Night, or To-morrow; who return, and say, that he was gone to *Pennsbury*.

A Debate arose about the Qualification of the Lower County Members.

Put to the Vote, and carried by a Majority, that a Committee be appointed to consider of some Privileges to be put in a Charter, and draw up some Articles to present to the Proprietary; whereupon *Isaac Norris*, *Joshua Hoopes*, *William Clarke*, and *John Blunston*, were appointed for the said Service.

Ordered, That another Committee be appointed to consider of the Laws, what Alterations or Amendments may be necessary; and *Samuel Preston*, *Andrew Job*, *John Swift*, and *Anthony Morris*, were appointed for that Service.

Adjourned till Nine a Clock To-morrow Morning.

The House met, and the Names of the Members were called over, but the Committees not being returned to make their Report to the House, and having some Papers with them, for want of which, the House could not regularly proceed to Business, thought fit to adjourn.

Adjourned till Three a Clock in the Afternoon.

At which Time the House met, *&c.* absent the Committee.

The Committee of Privileges returned to the House, and brought in some Heads they had drawn up, which were read, and being found imperfect, were waved for the present.

Adjourned till Nine a Clock To-morrow Morning.

The House met, *&c.*——It was put to the Vote, Whether the twentieth Article of the Address be still insisted on? *carried in the Affirmative*, by the Majority.

Put to the Vote, Whether the several Heads contained in the Paper dated *September* 20, be insisted on as the further Request of this House, unto the Proprietary and Governor? *carried in the Affirmative*, N. C. D.

Ordered, That *Isaac Norris*, *John Swift*, be a Committee to draw up the said Paper in a Form proper for the Occasion, and to hear the Allegations of some of the Subscribers to the Address of the Inhabitants of *Philadelphia*, in Relation to what concerns them, and make Report to the House.

The Committee appointed to consider the Laws, made their Report in Writing, containing sundry Heads, which were read Article by Article.

The Law, Number 3. was voted, Whether any alteration be requisite? *carried in the Negative.*

The Laws, Number 5, and 6. were read, and waved for the present.

The Law, Number 7. was read; voted, Whether a Bill be drawn up for a supplemental Law to this seventh Law for

punishing petty Thefts under *Five Shillings? carried in the Affirmative*, by the Majority.

The Law, Number 25. was read and waved.

The Law, Number 28. was read; voted, Whether Assembly Salary be lessened? *carried in the Negative.*

The Law, Number 31. was read; put to the Vote, Whether a Bill drawn up and brought into the House for the Alteration and Amendment of the 31st Law be passed? *carried in the Affirmative*, by the Majority.

Adjourned till Three a Clock in the Afternoon.

The House met, *&c.*

Thomas Godfrey came into the House, and moved, that a Petition given in to the last Assembly might be laid before this House and considered, that the Petitioner's Request might be answered, which was waved for the present.

The Law, Number 36. was read and considered; and Amendments proposed, with respect to the Clause concerning Attachments to be inserted; put to the Vote, and *carried in the Affirmative*, by the Majority.

The Laws, Number 40, and 42. continued.

The Law, Number 53. was read, and put to the Vote, Whether this Law should stand as it is now in Force? *carried in the Affirmative*, by the Majority.

The Law, Number 55. to be continued; the Law, Number 56. no Cause of Amendment; the Law, Number 59. continued.

The Law, Number 63. was read, and put to the Vote, Whether the Law of Orphans Court be altered, and more Power given to the Justices therein, *carried in the Affirmative*, by the Majority.

The Law, Number 74. continued; the Law, Number 76, waved for the present.

The Law, Number 77. was read, and put to the Vote, Whether this Law be repealed, and a new Law made with an Amendment, for the restraining of Hogs? *carried in the Affirmative*, by the Majority.

The Law, Number 85. no Alteration; the Law, Number 88. referred to the Charter.

A Motion was made for a Confirmation of all the Laws.

Adjourned till Nine a Clock To-morrow Morning.

The House met, *&c.*

The House took into Consideration the several Laws proposed to be altered Yesterday.

The Law, Number 7. was read; ordered that a Bill be brought in to punish lesser Thefts.

The Law, Number 31. about Intestates; the Law, Number

36. about Attachments; and the Law, about Orphans: were all read.

The Law, Number 77, about Hogs, was read; agreed to be altered in a new Bill.

A Bill to regulate the Secretary's and all other Officers Fees; *carried in the Affirmative*, N. C. D.

A Bill to regulate Surveyors, and ascertain their Fees;—— Put to the Vote, Whether the Surveyors Fees as set down in a Table be inserted in the Law to be made? *carried in the Affirmative*, N. C. D.

A Bill to regulate Coopers Stuff was read.

Ordered, That *William Clarke*, *John Blunston*, and *Anthony Morris*, be a Committee to draw up Bills, in order to pass the aforesaid eight Heads into Laws, and to make Alterations and Additions.

A Petition from the Coopers was brought into the House and read.

Isaac Norris, and *John Swift*, the Committee appointed for that Purpose, brought into the House the several Heads drawn up by them, in order to be presented to the Proprietary,—— which were read, being Eight in all.——They were read again, and debated Head by Head.

Ordered, That *William Rodney*, *Andrew Job*, and *Samuel Richardson*, be a Committee to consider of all Officers Fees, ——and report to the House

Adjourned till Three a Clock in the Afternoon.

The House met, *&c.*

The Petition of the Grand Jury of the County of *Chester* was read.——*Ordered*, That *Robert Pile*, *Nathaniel Newlin*, *John Blunston*, and *Andrew Job*, be a Committee to draw up a Bill to answer the said Petition.

The Petition of *Sarah Sanders*, with an Inventory of her late Husband's Estate, and a Copy of his Will, were read.—— *Ordered* That *Nicholas Waine*, and *Jasper Yeats*, do examine into the Matter, advising with the Trustees mentioned in her Husband's Will; and report to the House.

Adjourned till Nine a Clock To-morrow Morning.

The House met, *&c.*

The Committee appointed to draw up the Bills, in order to pass into Laws, *&c.* brought in five Bills.

The Bill, Number 1. for Attachments under *Forty Shillings*, was read, and pass'd with Amendments.

The Bill, Number 2. to punish Thefts under *Five Shillings*, was read and pass'd with Amendments.

The Bill, Number 3. for ascertaining the Descent of Lands,

and better disposing of the Estates of Persons dying Testate, or Intestate; pass'd with Amendments.

The Law, Number 4. against Hogs running at large.

The Law, Number 5, for regulating the *Assize* of Coopers Timber.

Ordered, That *Nicholas Waine*, and *Adam Peterson*, wait on the Governor with the Petition of *William Guest*, being sign'd by the Speaker.

The Law, Number. 6 for the Sale of Chester Court House, was brought into the House.

The Committee appointed to consider of Fees, brought in their Bill.

The Bill, Number 1. for Attachments; and the Bill, Number 2. to punish Thefts under *Five Shillings;* was put to the Vote, Whether they should pass with Amendments? and both *carried in the Affirmative.*

The Bill, Number 3, ascertaining the Descent of Lands, *&c.* voted, Whether that Bill pass with Amendments? *carried in the Negative.*

The Bill, Number 4. against Hogs running at large, was put to the Vote, Whether that Bill pass with Amendments? *carried in the Affirmative*, by the Majority.

The Law, Number 5. for regulating Coopers Timber; *voted in the Negative.*

The Bill, Number 6. for Sale of *Chester* Court House; *voted in the Affirmative*, N. C. D.

The Bill, Number 7. Officers Fees with needful Amendments; *voted in the Affirmative.*

THE HEADS OF THE CHARTER OF PRIVILEGES were read, and put to the Vote, Whether the Bill be presented to, and desired of the Governor? *carried in the Affirmative*, by the Majority.——*Proposed*, That *John Blunston*, and *Samuel Richardson*, wait on the Governor, and present the same to him for his Approbation.

Adjourned till Two a Clock next Second Day in the Afternoon.

The House met, *&c.*

The Bill about Officers Fees, was read the second Time.

A Petition from three of the Inhabitants of Chester County was read, desiring there might be a Law to restrain People from selling Rum to the *Indians.*——Put to the Vote, Whether a Bill be prepared for that Purpose? *carried in the Affirmative*, by the Majority.

Ordered, That *William Clarke*, and *Anthony Morris*, pre-

pare the said Bill *(viz.)* amend it.——The said Committee bring in the Bill with Amendments, which was read.

Adjourned till the Afternoon.

The House met, *&c.*

Put to the Vote, Whether the Table of Officers Fees, as it was agreed in the Morning, with the Amendments, shall stand? *carried in the Affirmative.*

Adjourned till Nine a Clock To-morrow Morning.

The House met, *&c.*

Ordered, That *John Swift*, and *Samuel Preston*, be a Committee, to consider further of the Fees, *&c.*

The Bill, Number 7. for Sale of *Chester* Court House, was read a second Time, and *pass'd*, N. C. D.

Judge *Guest*, and *Samuel Carpenter*, two Members of Council., came into the House, and say, they came from the Governor, who requests four Members of this House to confer with the Council about the Affair of *William Guest;* who were answered, that the House would order accordingly;——whereupon *Isaac Norris*, *Anthony Morris*, *John Donaldson*, and *Richard Hallowell*, were appointed to meet with the Members of Council for that End.

Samuel Carpenter, one of the Members of Council aforesaid, brought into the House a Bill drawn up for prohibiting the Sale of Drink to the *Indians*, which was read the first Time. ——Put to the Vote, Whether the said Bill be agreed to with the Amendments, and that it be referred to the Committee for further Consideration? *carried in the Affirmative.*

The said Bill was again read the second Time, and put to the Vote, Whether it should pass into a Law with Amendments? *carried in the Affirmative*, N. C. D.

Upon Motion *Nicholas Waine*, *Nathaniel Newlin*, *William Rodney*, and *Luke Watson*, were appointed a Committee to prepare a Bill for killing Blackbirds and Crows, *&c.*

Judge *Guest*, and *Edward Shippen*, two Members of Council, brought into the House a Bill for the establishing of Courts, *&c.*

The Bill against Hogs running at large was read.——*Ordered*, that the Speaker draw up a new Bill to repeal the Act made at *Newcastle*, against Hogs running at large, *&c.*

A Bill for the Sale of the Court House at *Chester*, was read,——and proposed to be amended.

Adjourned till Three a Clock in the Afternoon.

The House met, *&c.*

The Committee appointed to bring in a Bill for killing Black-

birds, *&c.* brought in the Bill, which was read the first Time. ——The said Bill was read a second Time, and *voted in the Affirmative*, N. C. D.

A Bill for punishing petty Thefts, was read the first Time, and *voted in the Affirmative*, N. C. D.——The said Bill was read a second Time; voted Whether this Bill pass into a Law? *carried in the Affirmative*, N. C. D.

The Bill about Attachments under *Forty Shillings*, was read a second Time; *voted in the Affirmative*, by the Majority, that it pass into a Law with necessary Amendments.

The Bill for establishing Courts, *&c.* read the first Time, and debated upon; referred to further Consideration.

Adjourned till Nine a Clock To-morrow Morning.

The House met, *&c.*

The Bill for establishing Courts, *&c.* referred to be further considered, was now read and debated; and being put to the Vote, was unanimously rejected.——*Ordered*, That the Speaker give the Sense of this House to the Counsellor who brought it in.

The Bill about Hogs running at large, was read the second Time.

The Replication proposed to, and requested of the Governor, was read a second Time.——Proposed, that the same be referr'd to *Jasper Yeats*, and *John Swift*, to be drawn up in better Form.

The Bill for Sheriff's Fees was read and debated; and being amended, was put to the Vote, Whether it should pass as now read? *carried in the Affirmative*, N. C. D.

Clerks Fees was read and debated; *voted* that they pass as read with the Amendment.

Voted, That the Fees of the Provincial Court be double to what they are in County Court.

Voted, That the Attorney-General's Fees be allowed as stated.

Voted, That the Lawyer's Fees be allowed as now read.

Voted, That Juries Fees be *Eight Pence per* Man, and Witnesses Fees be *Two Shillings per Diem*.

Voted, That the Justices Clerks Fees be allowed as stated.

Voted, That the Constables Fees be allowed as stated.

Voted, That the Criers Fees be allowed as stated.

Adjourned till Three a Clock in the Afternoon.

The House met, *&c.*——The Sheriffs and Clerks Fees were further considered.

Voted, That the Bill of Fees as now amended do pass into a Law; *carried in the Affirmative*, by the Majority.

The Bill for prohibiting selling Rum to the *Indians*, having been twice read and passed the House, was again read.

The Bill for killing Blackbirds, *&c.* was read a second Time, and pass'd by the Majority.

The Bill about Hogs running at large, was read, and *voted in the Affirmative*, by the Majority.

Jasper Yeats, and *Nicholas Waine*, having been ordered to enquire into the Business of the Widow *Sanders*, report that they had enquired into that Affair; and that *Peter Robinson*, one of the Overseers, *&c* said that *William Clarke* could give them an account.

Ordered, That *Adam Peterson*, and *John Blunston*, go to the Governor with the following Bills, *viz.*

An Act for Destruction of Blackbirds, *&c.* an Act against petty Thefts; an Act for Attachments under *Forty Shillings;* and an Act against selling Rum to the *Indians*.

Adjourned till Nine a Clock To-morrow Morning.

The House met, *&c.*

Patrick Robinson, came into the House, and was desired by the Speaker to give an Account what he knew concerning the Proceedings of the Widow *Sanders*, with respect to her late Husband's Will, and Inventory; who answered, that she had done what was customary in the Office; but that the Inventory had not been attested to: Whereupon the Matter was debated at large in the House;——and then put to the Vote, Whether a Bill be brought in to impower the Widow *Sanders* to sell so much of her Real Estate, as will pay her late Husband's Debts, and for the Education of his Child? *carried in the Negative.*

The Governor's Secretary brought into the House four Bills, three of which were assented to, *viz.* a Bill for Destruction of Blackbirds, *&c.* a Bill against petty Thefts; and a Bill about Attachments under *Forty Shillings.*

The Bill about selling Rum, *&c.* to the *Indians*, having sundry Exceptions made to it by the Governor, and Amendments proposed.——Put to the Vote, Whether the first Exception be added? *carried in theNegative.*——Whether the second Exceptions be added? *carried in the Negative.*

The Bill against selling Rum, *&c.* to the *Indians*, was read a third Time, and *voted in the Affirmative.*

The Bill about Blackbirds, *&c.* was read a third Time, and *voted in the Affirmative.*

Ordered, That *Nicholas Waine*, and *Andrew Job*, wait on the Governor, and present him three Bills, *viz.* the Bill about

Blackbirds, *&c.* the Bill against selling rum, *&c.* to the *Indians;* and a Bill against Hogs running at large.

Adjourned till Three a Clock in the Afternoon.

The House met, *&c.*

The Bill for regulating Officers Fees, was read Head by Head.

Edward Shippen, and *Caleb Pusey*, two Members of Council, came in and acquainted the House, that they came from the Governor, who had received a Petition from the Magistrates and Officers, *&c.* and had drawn up a Bill pursuant thereto, in which the Governor desired the Concurrence of the House, which Bill and Petition they brought into the House; and also the Bill about killing Blackbirds, *&c.* which the Governor had assented to.——They further acquainted the House, that the Governor desired a Conference with them, To-morrow Morning at Eight a Clock about the Bill for restraining Hogs, *&c.* and the other for prohibiting the Sale of Rum, *&c.* to the *Indians*:——And likewise, that the Governor hop'd by that Time to have the Bill of Property and Charter ready.

Isaac Norris was ordered to bring in a Supplement to the Bill of Fees, *viz.* for the Naval-Officer, and Collectors Fees, which was brought in and read;——and ordered to be added to the Bill for establishing Officers Fees.

Ordered, That *Samuel Richardson*, and *John Brinkloe*, wait on the Governor with the said Bill;——who return, and say, that they had done their Message, and that the Bill was received.

Jasper Yeats, and *John Swift*, having been appointed a Committee to draw up some Heads relating to Property to be presented to the Governor, made their Report, that they had drawn up sundry Heads, which they presented to the House, and they were read, *viz.* The Assembly's further Application to the Governor, in Answer to the Heads relating to Property.

May it please the Governor.

The Assembly having deliberately considered thy Answer to their Address, do unanimously return thee their Acknowledgments for those several Heads thou art pleased to give them Satisfaction in: But for asmuch as the other Heads are on less conducing to the general Good and Well-being of the Province and Territories, and presuming on thy tender Disposition towards them, have debated on each particular Head; and voted, that they further apply themselves to thee as followeth:

I. *That the Commissioners thou art pleased to promise, be invested with full and complete Power, and be obliged by some Clause in the Commission to act without Refusal or Delay, according to the full and publick Powers thereof, and that it would please thee to nominate the Persons to them.*

II. *They humbly accept thy Answer with the Conditions, and desire to know what thou please to propose therein.*

III. *That the Misunderstanding about the ten Acres per Cent, be rectify'd; and the Allowance for Roads and Highways be allowed to all Lands whatever, whether already taken up or to be taken up hereafter.*

IV. *They humbly accept of it, and own to their Satisfaction.*

V. *They humbly move the Proprietary would be pleased further to consider of it as proposed in the Charter.*

VI. *The Records chiefly intended by the Assembly were those in Being before the Proprietary's first Arrival, relating to Grants of Land, &c. and would be glad that all Records be kept in good Order, especially for Time to come.*

VIII, *and* IX. *The Assembly having tenderly weigh'd and debated these two Heads, voted, that they be still insisted upon; and further Application be made to the Proprietary, humbly requesting him to ease the Parties concerned therein.*

X. *This not being rightly understood by the Assembly, they humbly move the Proprietary to explain, desiring the Streets and Landing-places as required, may be granted to them.*

XI. *They humbly accept of it, and desire it may be inserted in a Charter of Privileges.*

XII. *The Assembly desires that such Papers as were shewn to them in the Conference on this Head be recorded in the Territories, and that Deeds of Foeffment for the Two Lower Counties (which the Governor says are in England) may be likewise recorded in those Counties, within eighteen Months.*

XIII. *They humbly move, the Proprietary would further consider it as proposed, in regard the Representatives of the Lower Counties think it necessary for the Improvement of their, and the Proprietary's Interest.*

XIV. *and* XV. *They humbly accept of these Heads as the Proprietary is pleased to grant them; and desire to know the Time proposed for Reversion of the Bank Lots in the Town of* Newcastle.

XVI. *They press this Article no further, but leave it to the Proprietary's Consideration.*

XVII. *That the Rents may be paid as in the Duke's Time.*

XVIII. *They humbly accept of the Proprietary's Answer;*

and the Members of this House required, will wait on thee to that End.

XIX. *They humbly accept of this and desire it may be included in the Charter.*

XX. *They humbly move the Proprietary would further consider of it, in regard of his former Promises, and their Dependance thereon.*

XXI. *They humbly accept thereof, and desire to know what Amendments the Proprietary proposed therein.*

Put to the Vote, Whether the eight and ninth Articles in the Address be insisted upon? *voted in the Affirmative.*

Adjourned till Eight a Clock To-morrow Morning.

The House met, *&c.*

Ordered, That *John Brinkloe*, and *Nathaniel Newlin*, wait on the Governor, and know whether he was ready for the Conference with the House? who return, and say, that the Governor answered,——they happened then to be on Business; but in an Hour's Time should be ready: and when they were ready, he would send and acquaint the House.

The Assembly's further Application to the Governor, in Answer to the Heads relating to Property, brought in by the Committee, was put to the Vote, Whether the same be presented to the Governor for his Approbation? *voted in the Affirmative.*

A Petition of the Justices, and Officers, requesting the Confirmation of the Laws at Newcastle; and a Bill prepared for that End, brought in last Night by two Members of Council, were read and debated on.

Adjourned till Eleven a Clock.

About which Time the House met, *&c.*

The Speaker from the Chair proposed, that the Business which was before them when they adjourned, be re-assumed, *viz.* the Reading and Debating the last mentioned Bill.

James Logan, The Governor's Secretary, came and acquainted the House, that the Governor was ready to receive them; whereupon the House adjourned to the Council Chamber till the Conference be over.

The Assembly returned to their House, and

Adjourned till Four a Clock in the Afternoon.

The House being met, *&c.*

The Speaker acquainted the House with the Heads of the Conference; and first, as to the Bill against Hogs running at large, *&c.* against which the Governor objected, that the Fines being assigned to the Poor, which he thought unreasonable, being all was given away from him; and as to the Bill pro-

hibiting selling Drink to the *Indians*, he urged the Necessity of taking *Indian* Evidence; and also including the Lower Counties in the said Bill.

The Governor further desired, that he might have the Advice of the House, in nominating a Person or Persons to represent him in Government, as Deputy in his Absence.

The Vote being put, Whether the said Bill for Confirmation of Laws, should pass into a Law, with such Amendments as may be thought needful?——Several Members rose up and left the House, *viz. Jasper Yeats, John Donaldson, Richard Hallowell, Adam Peterson, William Rodney, John Brinkloe, John Walker, William Morton*, and *Luke Watson*, jun.——and the Vote, was immediately *carried in the Affirmative*, by the remaining Members, being fourteen in Number, N. C. D.

Adjourned till Nine a Clock To-morrow Morning.

The House met, and the Names of the Members being called over, all appeared (except some of the Lower County Members not yet returned.)

The Petition, and proposed Bill of *William Guest*, was read and debated on.

The Bill proposed by *William Guest* being read the first Time, it was put to the Vote, Whether the said Bill shall pass? *voted in the Affirmative.*

The Amendments proposed by the Governor on the Bill of Property, were read, and after sundry Debates thereon, it was referred to further Consideration.

The Charter of Privileges was read.

Ordered, That *John Blunston*, and *Samuel Richardson*, wait on the Governor, and acquaint him with the Members leaving the House; who return, and say, that the Governor's Answer was, "They might proceed in Business notwithstanding."

The Bill about Hogs running at large, was read a third Time, and *voted in the Affirmative.*

John Guest, and *Edward Shippen*, two Members of Council, acquaint the House, that the Governor desires to know whether they had made any Alteration or Amendment in the Law about Marriages, which he was willing to remind them of?

The Bill for Confirmation of the Laws, was read a second Time, and put to the Vote, Whether it shall pass? *carried in the Affirmative*, N. C. D.

The Bill against selling strong Liquors to the *Indians*, was again read, and *voted in the Affirmative*, by the Majojrity;——which Bill (with the Bill against Hogs running at large) were sent to the Governor, by *John Blunston*, and *Samuel Richardson*.

Adjourned till Two a Clock on Monday in the Afternoon.

The House met, &c. all appearing except the Lower County Members not return'd.

An Act impowering Freeholders to bring Action against the Governor, or Lieutenant Governor, where Cause of Action accrues; read the second Time, and put to the Vote, Whether it should pass? *carried in the Affirmative*, by the Majority.

The Bill for Confirmation of the Laws, was read a third Time, with an Addition sent by judge *Clarke* from the Proprietary.

Samuel Finny, and *Samuel Carpenter*, two Members of Council, came and acquainted the House, that there had been a fresh Occasion to consider of the Law prohibiting the Sale of strong Liquors to the *Indians;* and proposed that *Indian* Evidence might be taken, and that the said Law might be extended to the Lower Counties; which two Heads were briefly debated in the House; whereupon the House ordered *Isaac Norris* to add a Clause to the former Bill, that all Rum and strong Liquors carried to the *Indians*, be forfeited; and that he bring in the same To-morrow Morning.

Ordered, That *William Clarke*, *Samuel Preston*, *John Swift*, *Anthony Morris*, and *Samuel Richardson*, wait on the Governor, to confer about the Confirmation of the Laws, and make Report to the House To-morrow Morning.

John Guest, and *Edward Shippen*, two Members of Council, came and acquainted the House, that the Governor and Council desired the Assembly to consider of the Law about Marriages, and the Law for Attornies Attests, &c.

Adjourned till Nine a Clock To-morrow Morning.

The House met, &c. all appearing except the Lower County Members not yet returned.

The amended Bill for the Confirmation of the Laws, prepared by the Speaker, was read,——*John Swift*, one of the Committee, acquainted the House, that they had been with the Governor, and that he had drawn up something, in order to the Confirmation of the Laws, &c. and further declared, that the Governor desired that the absent Members, might be sent for; and that their Dissent, and the Reasons thereof, might be entered.——*William Clarke*. one of the Members of the said Committee, came into the House, and brought a Bill drawn up by the Proprietary for the Confirmation of the Laws, which was read in the House.

Ordered, That *William Clarke* wait on the Governor, and desire him to stay in Town unless his Business be very urgent; it so, to desire his speedy Return; who returned, and re-

port, that the Governor answered he was under the Necessity of going in regard he was so pressed upon here for trivial Matters; and that he thought he could not be back till Sixth or seventh Day, having his Family there to settle: He also proposed the absent Members be sent for, as thinking they upon entering their Dissent might join with the House again. He also reminded the House of nominating some Person or Persons to represent him in Government; adding further, that he had prepared two Bills which the House should immediately have, and if they had any Thing to offer him before he went, which would be about One a Clock, he would receive it.

Ordered, That the Speaker, with *William Clarke*, and *Isaac Norris*, wait on the Governor, and return him the Thanks of this House for his kind Offer to them, in craving their Advice in proposing a Person or Persons to represent him in his Absence in Government, and declare the Sense of the House upon their Consideration thereof, *viz.* That the House had considered of answering the Governor's Offers to them, of nominating a Person or Persons to be his Lieutenant or Deputy in his Stead.——But forasmuch as they could not presume to that Knowledge to nominate such as might be duly qualified for so high an Employ, they therefore would leave it the Governor's Pleasure.

John Guest, and *Samuel Carpenter*, two Members of Council, came from the Governor, and acquainted the House they came with his Commands, and presented a Bill for the more speedy and effectual levying of the *Two Thousand Pound Tax;* and also further urged the House would please to nominate a Representative, who were answered they were about to adjourn, and had ordered some of their Members to acquaint the Governor with the Opinion of the House therein; and then the House went to wait upon the Governor, and carried with them the Charter of Privileges, which had been read in the House.

Adjourned till Three a Clock in the Afternoon.

The House met, *&c.*——the absenting Members not returned. ——Then the Speaker Acquainted the House, that the Governor had laid an Injunction on him to have the absent Members with them in Conference immediately;——Whereupon the House adjourned to the Governor's for an Hour, or until the Conference was over;——which being done; and the absenting Members Coming into the House the Matters concerning their returning were debated the said Members insisting that the Proprietary's Speech was to this Effect, *viz. That the*

Lower County Members should declare the Laws as made at Newcastle, *be binding to them;——and the Province declare them binding there,——and then unanimously declare the* Act of union *void.*

The other Members declared they apprehended the Sense of his Words, was, *That the Laws made at* Newcastle, *were to be first confirmed.*

The Proposal and Concessions of the Proprietary and Governor, for the more expeditious Settlement of the Freeholders of this Province, and Territories, and their Lands and Tenements, was read the first Time.

Adjourned till Eight a Clock To-morrow Morning.

The House met, *&c.*

The Act for the more speedy and effectual levying the *Two Thousand Pounds*, *&c.* was read the first Time.

The absenting Members came into the House and declare, ——*They are willing to join with the rest of the Members, provided they might have Liberty to enter their Dessent to the Bill for confirming of the Laws, and that nothing may be carried over their Heads by overvoting them; and declared they are willing to do any thing for the Good and Tranquility of the Government.*——Upon which they withdrew.——Being called into the House again, they were told they should have Liberty to enter their Dissent, provided they kept to the Matter; but as for this House to promise not to overvote them, it was a Thing so impracticable, and such an Infringement of the Privileges of Assemblies, that they could not yield to that.

The Bill for Confirmation of the Laws of this Province and Territories, was read,——and proposed the Reading of the Laws three Times over; upon which the aforesaid absenting Members departed the House again.

Put to the Vote, Whether the Laws be again read, for a second Reading? *carried in the Affirmative.*

The Law, Number 1. about Liberty of Conscience; the Law, Number 2. against Riots and Rioters, *&c.* the Law, Number 3. against Adultery, Fornication, *&c.* the Law, Number 4. against Rape or Ravishment; the Law, Number 5. against Incest, Sodomy, and Bestiality; the Law, Number 6. against Bigamy; the Law, Number 7. against Robbing and Stealing; and the Law, Number 8. about Boats and Canoes; put to the Vote, Whether they should be confirmed, and enacted? and all *carried in the Affirmative.*

The House adjourned for a small Time, and met again soon. The Speaker assumed the Chair, *&c.* and all the Mem-

bers appeared except *Samuel Preston*, and the absenting Members.

The Law, Number 9. against breaking into Houses; the Law, Number 10. against firing of Houses, *&c.* the Law, Number 11. against forcible Entry; the Law, Number 12. against Menacing, Assault, and Battery; the Law, Number 13. against Murder: the Law, Number 14. against Sedition, spreading false News, and Defamation; the Law, Number 15. against removing Land-Marks; the Law, Number 16. against defacing Charters, *&c*; the Law Number 17, for County Seals and counterfeiting Hands and Seals; *&c.* the Law, Number 18, for regulating the Interest of Money; the Law, Number 19. for Privileges of a Freeman; the Law, Number 20. against buying Land of the Natives; the Law, Number 21. for punishing petty Offences: the Law, Number 22. for the Names of the Days and Months of the Year; the Law, Number 23, for the better Provision for the Poor within this Province and Territories; the Law, Number 24. for Recording of Deeds; the Law, Number 25. to prevent clandestine Marriages; the Law, Number 26. for Binding to the Peace; the Law, Number 27 for limiting Presentments of the Grand Jury; the Law, Number 28. to ascertain the Number of Members of Assembly, and regulate Elections; the Law, Number 29. about Attachments; the Law, Number 30. for Naturalization; the Law, Number 31. for ascertaining the Descent of Lands, and the better Disposition of the Estates of Persons intestate; and the Law, Number 32. for raising County Levies; were severally put to the Vote, Whether they should be continued, confirmed, and enacted? and all *carried in the Affirmative.*

Adjourned till Three a Clock in the Afternoon.

The House met, *&c.* and all the Members appeared except *Samuel Preston*, and the absenting Members.

The Law, Number 33. directing the Atttest of sundry Officers and Ministers, put to the Vote, Whether it should be confirmed and enacted, with necessary Amendments about Attornies Fees, *&c. carried in the Affirmative.*

The Law, Number 34. for the better Attendance of the Justices within this Province and Territories; the Law, Number 35. against Jurors absenting, being lawfully summoned; the Law, Number 36. determining Debts under *Forty Shillings;* the Law, Number 37. to prevent immoderate Fines; the Law, Number 38. about Defalcation; the Law, Number 39. against Speaking in Derogation of Courts; the Law, Number 40. for the Appraisement of Goods; the Law, Number 41.

against Barrators; the Law, Number 42. to oblige Witnesses to give Evidence, and prevent false Swearing; and the Law, Number 43. confirming Devises of Lands, and Validity of nuncupative Wills put to the Vote, Whether they be continued, confirmed, and enacted? all *carried in the Affirmative.*

Edward Shippen, a Member of Council, came and acquainted the House, that the Governor was just going out of Town, and desired to speak with the Assembly; who was answered, they would wait on the Governor immediately; whereupon they adjourned to the Governor's House.

The House returned, and the Names of the Members being called over, the Speaker reported the Conference with the Governor;——and that the main Purport of it was to endeavour an Accommodation with the absenting Members; and also delivered a Letter from the Governor, directed to the Speaker, to be communicated to the whole House; which (upon the absenting Members coming into the House) was read; and also a Paper brought in by the said Members, which was read and debated.

The Governor's Letter was in these Words.

Friends,

"Your Union is what I desire; but your Peace and Accommodating of one another is what I must expect from you: The Reputation of it is something, the Reality much more. And I desire you to remember and observe what I say: Yield in Circumstantials to preserve Essentials; and being safe in one another, you will always be so in Esteem with me. Make me not sad now I am going to leave you, since it is for you, as well as for

Your Friend, and Proprietary, and Governor.

October 15*th*, 1701. WILLIAM PENN.

Jasper Yeats, Major *John Donaldson*, *Richard Hallowell*, *Adam Peterson*, *William Rodney*, *John Brinkloe*, *William Morton*, *John Walker*, and *Luke Watson*, jun. declared their Negative to the passing a Bill for Confirmation of the Laws pass'd at *Newcastle*, having never disputed their Validity, and for several Reasons given in to the Governor against that Act. On which, the absenting Members sat down, the Governor having assured this House, that nothing further than what lay before them should be offered to the House from him, nor received by him from them.

The Law, Number 44. to prevent the grievous Sins of Cursing and Swearing, *&c.* the Law, Number 45. to prevent all Dueling, and fighting of Duels; the Law, Number 46. to impower Widows and Administrators to sell so much of the Lands of Intestates as may be sufficient to clear their Debts, *&c.* the Law, Number 47. for the Preservation of the Person of the Proprietary and Governor; the Law, Number 48. for taking Lands in Execution where the Sheriffs cannot come at other Effects to satisfy the same; the Law, Number 49. for the better regulating of Servants in this Province and Territories; the Law, Number 50. for erecting and establishing a Post-Office; the Law, Number 51. for the Azzise of Bread; the Law, Number 52. for Priority of Payments to the Inhabitants of this Government; the Law, Number 53. for regulating of Streets and Water-courses in the Cities and Towns of this Government; the Law, Number 54. for preventing Accidents which may happen by Fire in the Towns of *Bristol, Philadelphia, Germantown, Derby, Chester, Newcastle,* and *Lewes,* within this Government, with the Words *(Hooks provided;)* the Law, Number 55. to impower the Justices, *&c.* to lay out and confirm all Roads, except the King's High-ways; the Law, Number 56. for regulating and maintaining Fences; the Law, Number 57. for erecting Bridges, and maintaining High-ways; the Law, Number 58. against Wears across Creeks and Rivers; the Law, Number 59. against unseasonable firing of Woods; the Law, Number 60. about erecting and regulating the Prices of Ferries; and the Law, Number 61. for the Trial of Negroes; were severally put to the Vote, Whether they should be continued, confirmed, and enacted? and all *carried in the Affirmative.*

Adjourned till Nine a Clock To-morrow Morning.

The House met, the Speaker assumed the Chair, and ordered the Names of the Members to be called over, all appearing except the absenting Members.

The Law, Number 62. to prevent sickly Vessels coming into this Government; the Law, Number 63. for the sitting of Orphans Court; the Law, Number 64. requiring all Masters and Commanders of Vessels, to make Report at the Town of *Newcastle;* the Law, Number 65, for levying of Fines; the Law, Number 66. about Departure out of the Province; the Law, Number 67. against mixing and adulterating strong Liquors; the Law, Number 68. against Scolding; the Law, Number 69. about killing of Wolves; the Law, Number 70. concerning Bills of Exchange; the Law, Number 71. for regulating Money weights, and for stamping the same; the Law,

Number 72. for appointing the Rate of Money or Coin within this Province and Territories, and for preventing the clipping the same; the Law, Number 73. for regulating Weights and Measures; the Law, Number 74. to prevent the Sale of ill tann'd Leather, and working the same into Shoes and Boots; ——and that a Fee for the Officer be inserted; the Law, Number 75. for keeping a Register in religious Societies; the Law, Number 76. for viewing of Pipe-staves; the Law, Number 78. against keeping Inns or Publick-Houses without a Licence; the Law, Number 80. for the Dimensions of Casks, and true packing of Meat, *&c.* the Law, Number 81. about cutting Timber Trees; the Law, Number 82. against Drunkenness, and drinking Healths; the Law, Number 83. for bailing Prisoners, and about Imprisonment; the Law, Number 84, against Pirates and Sea-Robbers; the Law, Number 85. for granting an Impost on Wine; Rum, Beer, *&c.* the Law, Number 86. for raising *One Penny per Pound.* and *Six Shillings per* Head, for Support of Government, *&c.* the Law, Number 87, for raising and granting to the Proprietary and Governor the Sum of *Two Thousand Pounds*, upon the clear Value of all real and personal Estates and upon the Polls of all Freemen within this Province and Counties annexed; the Law, Number 88 for effectually establishing, and Confirmation of the Freeholders of this Province and Territories, their Heirs and Assigns, in their Lands and Tenements, with such Amendments as should be proposed; the Law, Number 89. for erecting a Bridge at Chester; the Law, Number 90. for County Produce to be current Payment in the Territories of the Province of *Pennsylvania;* and the Law, Number 91. for continuing and confirming the Laws hereafter expressed,——with Amendments; were severally put to the Vote, Whether they should be continued, confirmed, and enacted? and all *carried in the Affirmative.*

An Act for preventing Swine running at large, Number 77. was voted to be repealed.——And an Act, Number 79. for raising County Levies for this present Year, 1700, terminated.

Adjourned till Two a Clock in the Afternoon.

The House met, the Speaker assumed the Chair, and the Names of the Members being called over, there appeared a full House.

The Petition of *William Guest*, with the prepared Bill, *&c.* was read.

Cornelius Empson, and *William Guest*, came into the House, and the said *Empson* brought in the Verdict of the Jury at Common Law; and also the Decree of the Provincial Court, which were read.——They likewise produced sundry other

Papers and Writings, *&c.*——Whereupon the Business being debated,——it was put to the Vote, Whether a Bill be brought in for a Re-hearing, *&c. carried in the Negative*, by the Majority.

It was also put to the Vote, Whether it should be recommended to the Governor for Relief? *carried in the Affirmative*, N. C. D.

David Lloyd came into the House, and brought in a Bill proposed to be made into a Law for regulating Courts, *&c.* which was read;——and put to the Vote, Whether it should pass into a Law, with such Amendments as the House shall think fit? *carried in the Affirmative*, N. C. D.

Adjourned till Nine a Clock To-morrow Morning.

The House met, *&c.* all appearing except the absenting Members;——whereupon the House proceeded to read the Laws a third Time.

The Laws from Number 1. to Number 14 inclusive, were read, and put to the Vote, and severally *carried in the Affirmative*, N. C. D.

The Law, Number 15. was read, and *carried in the Affirmative*, by the Majority.

The Laws from Number 16, to Number 24, were read, and put to the Vote, and severally *carried in the Affirmative*, N. C. D.

The Law, Number 25, for preventing clandestine Marriages, was put to the Vote, Whether it should be confirmed and enacted? *carried in the Affirmative.* with Amendments.——

Anthony Morris and *Robert Pyle* are ordered to bring in the Bill with Amendments.

The Laws, Number 26, and 27. were severally *voted in the Affirmative*, N. C. D.

The Law, Number 28. was put to the Vote, and *carried in the Affirmative*, by the Majority.

The Laws, Number 29, 30, and 31. were severally *voted in the Affirmative*, N. C. D.

The Law, Number 32. was put to the Vote, and *carried in the Affirmative*, by the Majority.

The Law, Number 33. directing the Attests of sundry Officers, was put to the Vote, Whether it should be confirmed and enacted, leaving out or amending that Clause about Attornies Fees? *carried in the Affirmative*, by the Majority.

The Bills from Number 34, to Number 55 inclusive, were read, and put to the Vote, and severally *carried in the Affirmative*, N. C. D.

Samuel Carpenter, one of the Members of Council, came into

the House as Provincial Treasurer, and brought in his Accounts; he also preferred a Petition to the House, requesting the Allowance of some Money due him on Arrearages, which was read.

Adjourned till Three a Clock in the Afternoon.

The House met, *&c.* and the Names being called over, there appeared a full House.——Whereupon they proceeded to read the Laws.

The Law, Number 56. read, and *voted in the Affirmative*, by the Majority.

The Law, Number 57, to Number 60 inclusive, *voted in the Affirmative*, N. C. D.

The Law, Number 61. read and *voted in the Affirmative*, by the Majority.

The Laws, Number 62, 63, and 64. read, and *voted in the Affirmative*, N. C. D.

The Law, Number 65. for levying of Fines, read, and *voted in the Affirmative*, by the Majority.

The Laws, Number 66, to 73, inclusive, read, and *voted in the Affirmative*, N. C. D.

The Law, Number 74. read, and *voted in the Affirmative*, by the Majority.

The Law, Number 75. read, and *voted in the Affirmative*, N. C. D.

The Law, Number 76. for viewing Pipe-staves,——voted to be discontinued.

The Law, Number 77. for preventing Swine running at large,——repealed.

The Law Number 78. read, and *voted in the Affirmative*, N. C. D.

The Law, Number 79. for raising County Levies,——terminated.

The Laws, Number 80, to Number 84. read, and severally *voted in the Affirmative*, N. C. D.

The Law, Number 85. read, and *voted in the Affirmative*, by the Majority.

The Law, Number 86. read, and *voted in the Affirmative*, N. C. D.

The Law, Number 87. read, and *voted in the Affirmative*, with Amendments, N. C. D.

The Law, Number 88. read, and *voted in the Affirmative*, with Amendments.

The Law, Number 89, read and *voted in the Affirmative*, by the Majority.

The Law, Number 90. read, and *voted in the Affirmative*, by the Majority.

The Law, Number 91. for continuing and confirming the Laws hereafter express'd; put to the Vote, Whether it should be confirmed and enacted, with necessary Amendments? *carried in the Affirmative*, N. C. D.

An Act for the more speedy and effectual levying of the *Two Thousand Pounds* granted to the Proprietary, was put to the Vote, Whether it should pass into a Law, with necessary Amendments?

Adjourned till Nine a Clock To-morrow Morning.

The House met, *&c.* and the Names of the Members being called over, there appeared a full House.

A Bill for regulating Courts, was read and debated, and put to the Vote, Whether it should pass into a Law, with such Amendments as should be necessary? *carried in the Affirmative*, N. C. D.

Ordered, That *Richard Hallowell*, and *Isaac Norris*, be a Committee to draw up the said Bill with Amendments, and make Report to the House this Afternoon.

The Bill to prevent clandestine Marriages was read, and put to the Vote, Whether it should pass into a Law? *carried in the Affirmative*, by the Majority.

Adjourned till Three a Clock in the Afternoon.

The House met. *&c.*

An Act for impowering the Freeholders to bring Action against the Governor, Lieutenant Governor, *&c.* was read the first Time, and put to the Vote, Whether it should pass? *carried in the Affirmative*, by the Majority.

A Supplement to the 54th Law for preventing Accidents which may happen by Fire, *&c.* was brought in and read, and put to the Vote, Whether it should be added to the said Law? *carried in the Affirmative*, N. C. D.

The 88th Law, was read, and put to the Vote, Whether it should be confirmed and enacted, with this Amendment, viz. *(Ten per Cent. on all Lands taken up, or to take up the Overplus to be granted to the Possessor, if he have more land to take up, to be deducted out of it?) carried in the Affirmative*, N. C. D.

Adjourned till Nine a Clock on *Monday* Morning.

The House met, *&c.* all appearing except Major *Donaldson*, *John Swift*, *William Morton*, and *Luke Watson*, junior.

It was put to the Vote, Whether the Laws shall be printed at the breaking up of this Assembly? *carried in the Affirma-*

tive. N. C. D.——Whereupon it was ordered that the Speaker see that they be printed accordingly.

Adjourned till Three a Clock in the Afternoon.

The House met, *&c.*

The Bill for regulating Courts with Amendments, was read the third Time.

Adjourned till Nine a Clock To-morrow Morning.

The House met, *&c.*

The Bill for keeping Orphans Courts was read, and put to the Vote, Whether it should pass into a Law, with necessary Amendments? *carried in the Affirmative*, N. C. D.

Adjourned till Three a Clock in the Afternoon.

The House met, *&c.*

Ordered, That *John Swift*, and *Adam Peterson*, wait on the Governor with the following Bills, *viz.*

A Bill for preventing Accidents which may happen by Fire, *&c.* a Bill for impowering Freeholders to bring Action against the Governor, *&c.*

A Bill to prevent clandestine Marriages; a Bill for regulating Courts; and a Bill for keeping of Orphans Courts: and to desire his Concurrence with the House therein; and to desire the Governor to send in the Bill for regulating Officers Fees;——And also his Answer to the Replication concerning Property; and to know his Pleasure, Whether the Secretary should engross the Bills?

The said Members return, and report, that they had delivered the Bills; and that the Governor desired the House might send the Amendments made on the Laws this Night, in regard he had but two Days Time to stay.——He also sent the Bill of Fees, which he desired might be deferr'd for a further Opportunity.——They also brought from the Governor the *Charter of Privileges.*

The Law against Pirates and Privateers, was again read, and put to the Vote, Whether it should be confirmed and enacted? *carried in the Affirmative*, N. C. D.

James Logan, Secretary, came into the House, and desired that he might have the Governor's Heads of his Answer to the Address; which was delivered him accordingly.

Ordered, That *Samuel Preston* carry the Amendments on the Bill of Property to the Governor.

Adjourned till Nine a Clock To- morrow Morning.

The House met, *&c.*

The House went upon the Reading and Debating upon the *Charter of Privileges.*

David Lloyd having Yesterday had an Order from this House, to receive from *Samuel Carpenter*, Provincial Treasurer, the Sum of *Fifty Pounds*. in Consideration of Services done in, and for this Government, came into the House, and reported, that the said Treasurer refused to pay the said Order, unless he first made Application to the Governor and Council; Whereupon a Messenger was dispatched to order the said Treasurer to come before the House;——who returns, and makes Report to the House, that the Treasurer answered, he would come immediately.

Ordered, That *William Clarke* carry the following Bills to *William Tong*, to be engross'd.

A Bill about Swine running at large; a Bill for Destruction of Blackbirds, *&c.* a Bill for Attachments under *Forty Shillings;* a Bill for punishing petty Larceny; and a Bill for the Sale of *Chester* Court House.

William Clarke returns into the House, and says, that he delivered the aforesaid Bills unto *William Tong*, who accepted the same to engross, and promised they should be ready by two or three a Clock in the Afternoon.

The *Charter of Privileges* was sent to the Governor by *Isaac Norris* for his Assent.

John Guest, and *Samuel Carpenter*, two Members of Council, came into the House, and brought in some Amendments to the Bill for regulating Courts, *&c.* and on the Bill for preventing clandestine Marriages; they also acquainted the House, that the Governor desires a Conference with the whole House at Four a Clock in the Afternoon.

Isaac Norris returned to the House, and reported, that he had delivered the *Charter of Privilege*, to the Governor.—— And that the Governor objected against the Clause *(for the Records being left in the Rolls Officers Hands)* being left out of the Charter.

The Bill of Fees was read and debated, and put to the Vote, Whether it should pass as amended? *carried in the Affirmative. Ordered* That *William Paxton* carry the same to the Governor.

Adjourned till Three a Clock in the Afternoon.

The House met, *&c.* and there being a Majority, it was proposed to go to the Governor, in order to know his Pleasure with respect to the Conference by him proposed.

Adjourned till Nine a Clock To-morrow Morning.

The House met, *&c.*

Ordered, That *Samuel Richardson*, and *Luke Watson*, go

to *Samuel Carpenter*, Provincial Treasurer, with the Note drawn on him payable to *David Lloyd;* who return, and say, that Treasurer answered, that if *David Lloyd* came to him, with the Note, he would pay it.

Ordered, That *Anthony Morris* wait on the Governor with the *Charter of Privileges*, and acquaint him, that the House have considered it, and approve of it as it now is, and desire it may be engross'd.

Ordered, That *Nicholas Waine* wait on the Governor with the following Request.——*The Assembly desires that the Proprietary will be pleased to allow Ten Acres* per Cent., *for Roads, uneven Grounds, &c. unto all Persons, Purchasers, and Renters, either taken up, or to take up; and for such as shall hereafter rent, five* per Cent. *at least.*

John Guest, and *Samuel Carpenter*, two Members of Council, brought into the House the Bill for regulating of Courts; ——and the Bill for preventing Accidents by Fire, *&c.*——*On* which, they inform the House, that the Governor desired a Clause might be added in the Bill for preventing Accidents by fire;—for Hand-Pumps to extinguish Fire *&c.* which said Clause they delivered into the House, and it was assented to.——Also the said *Samuel Carpenter* preferr'd a Petition to this House, praying, that he may be allowed the Sum of *Sixty-three Pounds, Eight Shillings*, allowed him by a former Assembly; and desired the same might be put to the Vote, Whether it was a just Debt or not?

A Bill about Orphans Courts, was read the third Time with Amendments, and *carried in the Affirmative*, *Ordered*, That *Samuel Richardson* wait on the Governor with the said Bill.

A Petition of sundry Inhabitants of *Philadelphia*, in Behalf of themselves, and others, desiring the Impost, *&c.* may be taken off; was read, and put to the Vote, Whether the Law concerning Imposition and Tonnage be repealed, pursuant to the said Petitioners Request? *carried in the Affirmative.*

Adjourned till Three a Clock in the Afternoon.

The House met, *&c.*

A Preamble to the Bill for Confirmation of the Laws was read, and put to the Vote, Whether it should be a Preamble to the said Law?—*carried in the Affirmative*, by the Majority.

Ordered, That *Richard Hallowell*, and *Anthony Morris*, wait on the Governor with the last mentioned Petition; who return, and say, that the Governor answered, *That he was glad they had taken Notice of what was offensive to the Country, and neighboring Colonies; and that he was willing it should*

drop, provided he had somewhat in the Room of it; but it was now too late.——*And as to the Heads of Property, he said he would send them by two Members of Council.*

Edward Shippen, and *Samuel Carpenter*, two Members of Council, came and acquainted the House, that the Governor designed to have done with the Assembly To-morrow; wherefore he desired the Assembly's Despatch; and that the *Charter of Privileges* was engrossing; and that the other of Property was in Hand, and should be speedily got ready.——They also brought in the Governor's Answer to the Replication concerning the Heads of Property, which was read.

Ordered, That *Jasper Yeats*, and *Nathaniel Newlin*, wait on the Governor, and desire him to acquaint the House, Whether he had done any thing in Relation to the Bill of Property?—Who returned, and informed the House, that the Governor answered, *That he was drawing a Charter of Property, which he hoped would give Satisfaction to the House, and that they should have it in a short Time; and further, that he desired the House to draw up the Bill of Property as in the Rolls of Laws, with the Amendments they proposed thereon.*

Put to the Vote, Whether three Years Time be allowed to the Proprietary from the Rising of this Assembly, for the Surveying of Lands? *carried in the Affirmative.*

Ordered, That Judge *Clarke*, and *Samuel Richardson*, two Members of this House, wait on the Governor, and acquaint him, that there had been a Vote in the House for discontinuing the Act for Impost;——and to acquaint him, that if he pleased to take off the Half-Year allowed at *Newcastle*, the Assembly would accommodate it as well as they could.——The said Members return, and say, that the Governor's Answer was, *That he was willing to take it off; but desired to know what the Assembly proposed in Lieu thereof? Who acquainted him, that they had not proposed any thing, there being no Time for it; whereupon the Governor reply'd, he then would keep what he had, and would not part with it.*

Adjourned till Nine a Clock To-morrow Morning.

The House met, *&c.*

Ordered, That *Nicholas Waine*, and *Adam Peterson*, wait on the Governor, and desire his Answer to the Bill, impowering a Freeman to bring an Action against the Governor, and Deputy Governor, *&c.* and also the Preamble of the Laws,——and Bill of Fees,——and the Charter of Property; and to desire he would be pleased to inform the House who is to represent him in Government.——Who return, and say, that

the Governor answer'd, as to the Representatives, it was his own Business, and when their Commissions were read they should know the Persons.——They also brought in the Bill of Fees,——and the Preamble to the Confirmation of the Laws.

The Bill of Fees being read and considered with the Amendments, it was put to the Vote, Whether the Amendments should be allowed of? *carried in the Negative*, unanimously.

Ordered, That *Luke Watson*, and *William Paxton*, go to the Governor with the Bill of Fees, and desire his Assent to it, as proposed by the House;——and that they desire his Answer, that so they may have it ingrossed if they have his Concurrence; who return, and say, the Governor is gone out with Colonel *Hamilton*, and will not be at home till two a Clock.

Edward Shippen, and *Samuel Carpenter*, two Members of Council, came and acquainted the House, that the Governor desired the Consideration of the House on the Bill of Impost; and signify'd his Desire to have the same discontinued, in case he could have any Thing in Lieu thereof. They further acquainted the House, that Colonel *Hamilton* was to be Deputy Governor; and that the Support of the Government would be chargeable, and it was not reasonable to expect it should be borne by the Proprietary himself.——They further pressed the Dispatch of Business, declaring the Governor was not willing to allow longer Time than this Day, unless the House would consider something in Lieu of the Impost; likewise *Samuel Carpenter*, in Consideration the Time was so short, proposed there might be a Subscription in Lieu of the Impost; adding, he would himself willingly contribute *Twenty-five Pounds*.

Adjourned till Three a Clock in the Afternoon.

The House met, *&c.*

Ordered, That *William Paxton*, and *Andrew Job*, go to the Governor with the Bill of Fees, and desire his Concurrence therein; and that it may be returned to the House (if he allow of it) in order to be engrossed; and they were further ordered to acquaint the Proprietary, that the House could not allow of it, as proposed by the Governor and Council.

The Members return, and say, the Governor would not pass any until he pass'd all together, *viz.* Custom, Excise, and Tonnage.

Put to the Vote, Whether the Law of Impost be continued, unless the Governor have *Three Hundred Pounds* secured to him before he go away, and paid in six Months after? *carried in the Affirmative.*

Ordered, That *William Rodney*, and *John Swift*, go to the Governor, and acquaint him they have now nothing to do but to engross the Bills; and to desire the House may have a Sight of the Bill of Property.

Ordered, That *Samuel Preston*, *Andrew Job*, and *Luke Watson*, be a Committee to examine and compare the engross'd Bills, in order to pass into Laws.

Adjourned till Eight a Clock To-morrow Morning.

The House met, *&c.*,——Ordered, that the Members of Assembly be allowed for their Attendance on this Assembly, Thirty-five Days: the Representatives for *Bucks* County, Forty Days; the Representatives for *Chester* County, Forty Days: the Representatives for *Newcastle* County, Forty-one Days; and the Representatives for *Sussex* County, Forty-one Days.

Ordered, That the Clerk be allowed for his Attendance on the Assembly, *Twelve Pounds;* the Doorkeeper for his Attendance on this Assembly, *Five Pounds Five Shillings.*

Put to the Vote, Whether David Lloyd be allowed *Twenty Pieces of Eight* for his Service this Assembly? *carried in the Affirmative*, N. C. D.

Adjourned till Two a Clock in the Afternoon.

The House met, *&c.*——The Charter of Property was read.—*Ordered*, That *Nicholas Waine*, and *John Walker*, wait on the Governor with the said Charter, and acquaint him, that the same was engrossed;——who return, and say, that the Governor answered, he would peruse it, and the House should quickly know his Mind.

Ordered, That *Nicholas Waine*, and *John Walker*, wait on the Governor with the Bill of Fees, and desire to know whether he be ready to receive the House;——who return, and say, that the Governor said, they should have his Answer to the Charter of Property in a little Time.

Ordered by the House, that the Speaker order the several Clerks who have been employ'd in this Assembly, to be paid by the Provincial Treasurer out of this Tax.

Put to the Vote, Whether the Provincial Judges be allowed *Twenty Shillings* a Day each Man in full for all Charges, in attending on the several Courts, and travelling on that Service; *carried in the Affirmative* by the Majority.

Ordered, That *Anthony Morris*, and *Luke Watson*, go to the Governor to know whether he expects the House to attend him this Night; and if so, to request him to let the House have what was before him; who return, and say, that they

have been there, but were prevented in their Message by some Members of Council, who were coming to the House: whereupon *Edward Shippen*, *Samuel Carpenter*, *Thomas Story*, and *James Logan*, came into the House, and brought in some Amendments proposed by the Governor on the Charter of Property, the Governor not being willing to allow *Ten per Cent.* but according to the Law of *Newcastle*.

James Logan, the Governor's Secretary, came into the House, and brought the *Charter of Privileges* engrossed; and acquainted the House, that there was a Message coming from the Council to them.

Samuel Carpenter, and *Caleb Pusey*, two Members of Council, came into the House, and brought with them a Paper from the Governor, concerning the Bill of Property, with respect to the *Ten per Cent.* and proposed to make it *six per Cent.* to all.

Friends,

"Complaint having been made, that some Persons, had not Benefit of Law of *Newcastle*, with respect to the Allowance of *Ten per Cent.* I consented to allow the said Ten Acres *per cent.* according to the said Law; but never intended to make myself Debtor for those Deficiencies which were not to be had; and understanding that you look upon that Law unequal, as giving to some *Ten per Cent.* where there is Overplus, and but *Two per Cent.* upon survey's Land, where no more is to be found;——I am therefore willing to allow or make good *Six per Cent.* to all Persons, as well to those that want, as to those who do not want the same upon a Re-survey."

Adjourned till Eight a Clock on *Monday* Morning.

The House met, *&c.*——Put to the Vote, Whether the Proposal brought into the House for an Allowance of *Six per Cent.* to all, be allowed as an Alteration in the Bill of Property? *carried in the Negative.*

Ordered, That *Nathaniel Newlin*, and *William Paxton*, wait on the Governor with the said Paper, and acquaint him, that the House could not assent to it;——who return, and say, the Council is not met; but the Governor would send for them, and give his Answer.

Samuel Carpenter, and *Edward Shippen*, came and acquainted the House, that the Charter of Property, with some Alteration, was engrossing, and desire to know if the House were ready to go to the Governor, in order to pass the Bills, and in the mean Time the Charter would be got ready

who were answered, that the Bill for Confirmation of the Laws, was the last in Course; and till the Charter of Property was first passed, that for Confirmation of the Laws could not.

The *Charter of Privileges* was read and debated. *Ordered*, That *Anthony Morris*, and *William Rodney*, go with it to the Governor, and acquaint him, that the House had read and debated it; and that they apprehend that the Lower Counties or Territories being conjunct with the Province, might be injurious (in regard the Governor had promised there should be a Disunion) unless some Clause were inserted in the Charter to salve it.

Edward Shippen, a Member of Council, came into the House, and acquainted them, that the Governor desired the House would go to him with the Laws they had to pass, in regard he was so straitened for Time;——whereupon the House adjourned to the Governor's, and carried the said Bills with them.——The Governor and Council not being ready to hear and peruse the said Bills, the House adjourned till Three a Clock in the Afternoon.

The House met, *&c.*——There being a full House some Heads of Amendment, or Alterations on the *Charter of Privileges* were presented to the House, and read; and after some Debate thereon,——*Ordered*, That *Anthony Morris* wait on the Governor with the said Amendments, to be added to the Charter.

Ordered, That *John Blunston*, and *Nathaniel Newlin*, wait on the Governor, and acquaint him that the House had no further Business lay before them, and to desire his Dispatch;—who return, and say, that the Governor answered, he would send in the Charter of Property with the Amendments;——which was accordingly brought into the House by *John Guest*, and *Edward Shippen*, Members of Council, and read in the House.

Griffith Owen, and *Caleb Pusey*, Members of Council, came into the House, and acquainted them, that the Governor desires,——if the House had done debating on the Amendment to the Act of Property, that they would go to the Governor before they adjourn; who were answered, that the House had so far debated upon it, that they would not accept of it:——And after a long Debate, the House went to the Governor.

Adjourned till Three a Clock in the Morning.

About which Time the House met, &c.——The Speaker

brought into the House a Paper for Amendment on the Bill of Property, which was read.——*Ordered*, That *Samuel Preston*, and *Robert Pile*, wait on the Governor with the said Amendment;——who return. and say, that the Governor answered, he would make what Dispatch he could in his Reply.

The Amendments on the Bill of Property, as brought in by the Speaker.

This Assembly being willing that no Endeavours of theirs shall be wanting, to find out suitable Means of accommodating the Bill of Property, so as the Proprietary may not be wrong'd, nor the Freeholders deny'd of what is their Right; but that all Persons may have equal Benefit of the Law made at Newcastle; *and that further Provision may be made to secure the Proprietary, and People, in their due Claims, as unto both in Justice doth appertain; and that all Suspicion of hard Dealings on our Proprietary's Side, and Reflections of unreasonable Expectations may be cast from the Door of this House, do humbly offer, that three Years from this Time be granted to the Proprietary, to re-survey Lands.*

That whereas TEN PER CENT. *is allowed by the Law made at* Newcastle, *for Roads, barren Lands, uneven Grounds, and Difference of Surveys, unto all such Persons who have Overplus in their Tracts; the same* TEN PER CENT. *may be allowed unto all Persons whatsoever, who have taken up Lands by Right of Purchase, or on Rent, or that shall hereafter take up by Virtue of former Grants; and that all Persons hereafter purchasing may have* FIVE PER CENT.

That where any Overplus is found, Allowance of Ten per Cent, *as aforesaid being made, the Owner or Possessor of the Tract shall have it deducted out of such Lands, as he hath Right by Purchase to take up; and if he hath no such Purchase Land to take up, then shall pay as at first the Land cost him with Rent and Interest for the same, and Charge of Resurvey.*

That such as want of Measure (Allowance being made as above) shall be paid by the Proprietary, as he takes for Overplus as aforesaid, or have a warrant to take up so much Land as is wanting of Measure as aforesaid, at the Charge of the Purchaser.

The Speaker laid before the House a Paper delivered last Night by the Governor in Council;——and also an Account of the Bills past last Night, *viz.* a Bill for Regulation; a Bill for preventing Accidents by Fire, *&c.* a Bill against selling Rum *&c.* to the *Indians;* a Bill against clandestine Marriages; a Bill concerning Attachments a Bill for the Sale of *Chester*

Court-House; a Bill for punishing petty Larceny; a Bill for Destruction of Blackbirds, *&c.* and a Bill against Swine running at large.

Samuel Carpenter, *John Guest.* and *Caleb Pusey*, Members of Council, came into the House, and acquainted them, "That the Governor desired the House to wait on him, for that his Family was gone, and his Time being so short, he design'd to make an End this Day;——who were answer'd, they had nothing to do but what was before the Governor, *viz.* The Bill of Fees,——and the Charter of Property; asserting and that the House would wait on the Governor immediately: Whereupon the House adjourned to wait upon the Governor."

The House returned, the Speaker assumed the Chair, and the Names of the Members called over, the Speaker drew a Paper up, in order to be presented to the Governor, as followeth.

The Assembly making due Reflections on the Governor's Speech, and the Duty they lie under of discharging their Trust unto the Freeholders whom they represent, in asserting and maintaining their Rights in Property as well as Privileges; and the Law of Newcastle *being short, in giving unto all equally their Rights in Reference to the* Ten per Cent. *according as we, since this Sessions begun, conceived the Proprietary was pleased to concede unto, which did appear by the Paper he amended with his own Hand, and sent by two of our Members into this House, thereby giving Satisfaction unto the whole House; and we since abating of the Hardship the Proprietary complained of by other Amendments this Day offered by two of our Members, relating to making Satisfaction to all such as wanted of their Measure of Land; which Paper, the Proprietary was pleased to reject, and return to us, giving us in charge that we must make speedy Dispatch, having but an Hour's Time more to spend: And that now many of our Members have left the House, and are returned to their Homes, under a Satisfaction that the* Ten per Cent. *would be allowed equally to all Persons concerned, according to the Amendment conceded to as abovesaid: We must therefore humbly crave Leave to acquaint our Proprietary, that we cannot depart from our former Concessions and Request, without injuring our Sense, and remonstrating it accordingly in a larger Manner if we had Time to so do; but whatever we do contrary to the same, is of Necessity, and not of Choice.*

Ordered, That *William Rodney*, and *William Paxton*, wait on the Governor with the said Paper, for his Approbation;

who return, and say, they have delivered it., and that the Governor answered, he would either return it, or a Copy.

The Governor sent the said Paper into the House again to *be* signed, which the House taking into Consideration, it was their Opinion, that there was no Necessity of signing it, inasmuch as it had been sent by two Members of the House;—— who return, and say, that they had done their Message; but the Governor answered; he would not take Notice of it unless it were signed.

Ordered, That *Nicholas Waine*, and *Anthony Morris*, wait on the Proprietary, and request him to give his Answer to the House concerning the Charter of Property; who return, and say, the Governor's Answer was,——He had not the Charter in his hands; and what he has to do, he will do without the Assembly as well as with; and desires the Assembly will dispatch, in regard he designs to go away this Night.

Ordered, That *Andrew Job*, and *Nathaniel Newlin*, go to the Governor, and desire they might have the Paper back which *Griffith Owen*, a Member of Council, and the Secretary, had from the House, relating to Amendments on the Bill of Property;——who returned, and brought the said Paper with them.

Put to the Vote, Whether this Assembly desires to be dissolved? *carried in the Affirmative.*

Ordered, That the Minutes of this Assembly be lodged in the Hands of *Anthony Morris*, and that the Speaker have the Supervising of them, and a Book provided, and Clerk employed, for the fair engrossing thereof; and that the Charge be paid out of the Provincial Stock.

Note, Andrew Hamilton, Esq: was Governor from *November 1st*, 1701 (when the Proprietary went for *England*) till *February*, 1702-3, when he died.

THE END of the FIRST PART.

APPENDIX.

At an ASSEMBLY, *held at* CHESTER, *alias* UPLAND, *in the Province of* PENNSYLVANIA, *the Sixth of the* TENTH MONTH, 1682.

An ACT *of* Union, *for annexing and uniting of the Counties of* Newcastle, Jones's, *and* Whorekills, *Alias* DEAL, *to the Province of* PENNSYLVANIA; *and of* Naturalization *of all Foreigners, in the Province and Counties aforesaid.*

Since by the good Providence of GOD, it hath graciously pleased King Charles the II of *England, &c.* for divers good Considerations, to grant by his Letters Patents under the Great Seal of *England*, to WILLIAM PENN, Son and Heir of Sir WILLIAM PENN, deceased, and to his Heirs and Assigns for ever, this Province of *Pennsylvania*, according to the Bounds therein expressed; with all requisite Powers for the good Government thereof, by such Laws as he and they shall make, by and with the Advice and Consent of the Freemen of the said Province, or their Deputies, not repugnant to their Faith and Allegiance, and the legal Government of the said Realm: And it having also favourably pleased James, Duke of *York* and *Albany*, Earl of *Ulster*, *&c.* to release his Right and Claim to all and every Part thereof, unto the said WILLIAM PENN, his Heirs and Assigns; whereby the said WILLIAM PENN is become the undoubted and rightful Proprietary and Governor of the Province of *Pennsylvania*, and is hereby freely and fully so recognized and acknowledged. And as a beneficial and requisite Addition to the Territory of the said Proprietary and Governor, it hath also pleased the said James, Duke of *York* and *Albany*, Earl of *Ulster*, *&c.* for divers good Considerations, to grant unto the said WILLIAM PENN, and his Heirs and Assigns, all that Tract of Land, from twelve Miles Northward of *Newcastle*, on the River *Delaware*, down to the *South* Cape, commonly called Cape *Henlopen*, and by the Proprietary and Governor now called *Cape James*, lying on the *West* Side of the said River and Bay, formerly possessed by the *Dutch*, and bought by them of the Natives, and first surrendered upon Articles of Peace to the King's Lieutenant-Governor, Colonel *Nicholls*, and a second Time to Sir *Edmund Andrews*, Lieutenant-Governor to the said Duke, and hath been by him quietly possessed and enjoyed; as also the said River of *Delaware*, and Soil thereof, and all Islands therein, lately cast into three Counties, called *Newcastle, Jones's, and Whorekills*, alias *Deal;* together with all Royalties, Powers and Jurisdictions thereunto belonging, as by two Deeds of Feoffment,

bearing Date the Twenty-fourth of the *Sixth Month*, called *August*, 1682, doth more at large appear.

And forasmuch as there must always be a People, before there can be a Government, and that People must be united and free, in order to settle and encourage them, for the Prosperity of the Government: And since the Inhabitants of the Tract of Land, lately passed from the Duke, as aforesaid, are not yet thereby under the same Capacity that those are that belong to the Province of *Pennsylvania: And whereas* the Freemen of the said Counties have, by their Deputies, humbly besought their present Proprietary and Governor to annex the said Counties to the Province of *Pennsylvania*, and to grant unto them the same Privileges; and that they may live under the same Laws and Government that the Inhabitants of the said Province now do, or hereafter shall, enjoy: And since the Union of the two distinct People, that are under one Governor, is both most desirable in itself, and beneficial to the Publick, and that it cannot be so cordially and durably maintained, to the mutual Benefit of each other, as by making them equally Sharers in Benefits and Privileges; *Be it enacted* by the Proprietary and Governor aforesaid, by and with the Advice and Consent of the Deputies of the Freemen of the Province, and Counties aforesaid, in Assembly met, That the Counties of *Newcastle*, *Jones's*, and *Whorekills*, alias *Deal*, shall be annexed, and, by the Authority aforesaid, are hereby annexed unto the Province of *Pennsylvania*, as of the proper Territory thereof; and the People therein shall be governed by the same Laws, and enjoy the same Privileges in all Respects, as the Inhabitants of *Pennsylvania* do, or shall, enjoy from time to time therein, any Thing in this Law, or any other Law, Act, or Thing in this Province, to the contrary in any wise notwithstanding. *And forasmuch* as it is apparent, that the just encouragement of the Inhabitants of this Province, and Territories thereunto belonging, is likely to be an effectual Way for the Improvement thereof: And since some of the People that live therein, and are like to come thereinto, are Foreigners, and so not Freemen, according to the Acceptation of the Law of *England*, the Consequences of which might prove very detrimental to them, in their Estates and Traffick, and so injurious to the Prosperity of this Province, and Territories thereof, *Be it enacted* by the Governor and Proprietary of the Province, and Counties aforesaid, by and with the Consent of the Deputies of Freemen thereof, in Assembly met, That all Persons, who are Strangers and Foreigners, that now do inhabit this

Province, and Counties aforesaid, that hold Land in Fee in the same, according to the Law of a Freeman, and who shall solemnly promise, within three Months after the Publication hereof, in their respective County Courts where they live, upon Record, Faith and Allegiance unto the King of *England*, and his lawful Heirs and Successors; and Fidelity and lawful Obedience to WILLIAM PENN, Proprietary and Governor of these Provinces, *&c.* and his Heirs and Assigns, according to the King's Letters Patents, shall be held and reputed Freemen of the Province, and Counties aforesaid, in as ample and full Manner as any Person residing therein. *And it is hereby further enacted* by the Authority aforesaid, That when at any Time, any Person that is a Foreigner, shall make his Request to the Proprietary of this Province for the aforesaid Freedom, the said Person shall be admitted on the Conditions herein expressed, paying at Admission *Twenty Shillings Sterling*, and no more, any Thing in this Law, or any other Law, Act or Thing in this Province, to the contrary in any wise notwithstanding.

Given at Chester, alias Upland, *the seventh Day of* December 1682, *under the Hand and Broad Seal of* WILLIAM PENN, *Proprietary and Governor of this Province, and the Territories thereunto belonging, being the second Year of his Government, by the King's Authority.*

An ACT *of* SETTLEMENT.

Whereas WILLIAM PENN, Proprietary and Governor of the Province of *Pennsylvania*, and Territories thereunto belonging, hath, out of his great Kindness and Goodness to the Inhabitants thereof, been favourable pleased to give and grant unto them, a Charter of Liberites and Privileges, dated the 25th Day of the *Second Month*, 1682; by which Charter it is said the Government shall consist of the Governor and Freemen of the said Province, in the Form of a Provincial Council, and General Assembly; and that the Provincial Council shall consist of Seventy-two Members, to be chosen by the Freemen, and that the General Assembly may, the first Year, consist of the whole Body of the Freeholders, and ever after, of an elected Number, not exceeding Two Hundred Persons, without the Consent of the Provincial Council, and General Assembly; and such Assembly to sit yearly, on the Twentieth Day of the *Third Month*, as in the first second, third, sixth, fourteenth, and sixteenth Articles of the Charter, Reference being thereunto had, doth more at large appear. *And forasmuch* as this Charter was the first of those probationary

Laws that were agreed to and made by and between the Proprietary and Governor, and Freemen in *England*, that were Purchasers in this Province; which said Laws, in the whole, and in every Part thereof, were to be submitted to the Explanation and Confirmation of the first Provincial Council, and General Assembly, that was to be held in this Province, as by the Title and first Law of the said Agreement, doth plainly appear. *And whereas* the Proprietary and Governor hath according to that Charter issued out Writs to the respective Sheriffs of the six Counties of this Province, to summon the Freemen thereof to choose in each County twelve Persons of most Note for their Sobriety, Wisdom, and Integrity, to serve in Provincial Council; and also to inform the Freemen, that they might come for this Time in their own Persons to make up a General Assembly, according to Charter. And that the said respective Sheriffs, by their Returns, and the Freemen, by their Petitions to the Proprietary and Governor, have plainly declared, that the Fewness of the People, their Inability in Estate, and Unskillfulness in Matters of Government, will not permit them to serve in so large a Council and Assembly, as by the Charter is expressed; and therefore do desire, that the Members now chosen to be their Deputies and Representatives, may serve both for Provincial Council and General Assembly, that is to say, three out of each County for the Provincial Council, and the remaining nine for the General Assembly, and accordingly to act as fully and amply as if the said Provincial Council and General Assembly had consisted of the said Numbers of Members mentioned in the Charter of Liberties; upon Consideration of the Premises, and that the Proprietary and Governor may testify his great Willingness to comply with that which may be most easy and pleasing, he is willing that it be enacted, *And be it enacted* by the Proprietary and Governor, by and with the unanimous Advice and Consent of the Freemen of this Province, and Territories thereunto belonging, in Provincial Council, and General Assembly, met, That the Numbers desired by the Inhabitants in their several Petitions, and expressed to be their Desires by the Sheriffs Returns to the Proprietary and Governor, to serve as the Provincial Council and General Assembly, be allowed and taken, to all Intents and Purposes, to be the Provincial Council and General Assembly of this Province. And that the *Quorum* shall be proportionably settled, according to the Method expressed in the fifth Article; that is to say, *Two Thirds to make a Quorum, in extraordinary Cases, and One*

Third in ordinary Cases, as is provided in the said fifth Article; which said Provincial Council and General Assembly so already chosen, are, and shall be, held and reputed the legal Provincial Council and General Assembly of the Province, and Territories thereof, for this present Year: And that from and after the Expiration of this present Year, the Provincial Council shall consist of three Persons out of each County as aforesaid, and the Assembly shall consist of six Persons out of each County; which said Provincial Council and General Assembly may be hereafter enlarged, as the Governor, and Provincial Council and Assembly, shall see Cause, so as the said Number do not at any Time exceed the Limitations expressed in the third and Sixteenth Articles of the Charter, any Thing in this Act, or any other Act, Charter, or Law, to the contrary in any wise notwithstanding. And because the Freeman of this Province, and Territories thereof, are deeply sensible of the kind and good Intentions of the Proprietary and Governor, in this Charter, and of the singular Benefit that redounds to them thereby, and are desirous that it may in all Things best answer the Design of the Publick Good, the Freemen of the said Provincial Council and General Assembly met, having unanimously requested some Variations, Explanations and Additions, in and to the said Charter, he, the Proprietary and Governor, hath therefore yielded, that it be enacted, *And it is hereby enacted*, That the Time for the Meeting of the Freemen of this Province, and Territories thereof, to choose their Deputies, to represent and serve them in Provincial Council and General Assembly, shall be yearly hereafter on the tenth Day of the *First Month;* which Members so chosen for the Provincial Council, shall make their Appearance, and give their Attendance in Provincial Council within twenty Days after their Election; and the said Members elected to serve in General Assembly, shall yearly meet and assemble on the tenth Day of the said *Third Month*, to the End and Purposes declared in the Charter, at and in such place as is limited in the said Charter, unless the Governor and Provincial Council shall at any Time see cause to the contrary. *And whereas* it is expressed in the said Charter, that the Governor and Provincial Council shall prepare and propose to the General Assembly, all Bills which they think fit to pass into Laws within the said Province, *Be it enacted*, by the Authority aforesaid, That the Governor and Provincial Council shall have the Power of preparing and proposing to the General Assembly, all Bills that they shall jointly assent to, and think fit to have passed into Laws in the said

Province, and territories thereof, that are not inconsistent with, but according to, the Powers granted by the King's Letters Patent to the Proprietary and Governor aforesaid; which Bills shall be published in the most noted Towns and Places in the said Province, and territories thereof, twenty Days before the Meeting of the General Assembly aforesaid. And for the better Decision and Determination of all Matters and Questions upon Elections of Representatives, and Debates in Provincial Council and General Assembly, *It is hereby declared and enacted, &c.* That all Questions upon Elections of Representatives, and Debates in Provincial Council and General Assembly, in personal Matters, shall be decided by the Ballot, and all Questions about preparing and enacting Laws, shall be determined by the Vote. And that so united an Interest may have an united Term and Stile to be expressed by, *It is hereby declared and enacted*, That the General Assembly shall be henceforth termed or called, *The Assembly;* and the *Meeting of the Governor, Provincial Council, and Assembly*, and their Acts and Proceedings, shall be stiled and called, *The Meetings, Sessions, Acts, or Proceedings of the General Assembly of the Province of* Pennsylvania, *and the Territories thereunto belonging.* And that the Freemen of this Province, and Territories thereof, may not on their Part seem unmindful or ungrateful to their Proprietary and Governor, for the Testimony he hath been pleased to give of his great Good-will towards them and theirs, nor be wanting of that Duty they owe to him and themselves, they have prayed Leave hereby to declare their most hearty Acceptance of the said Charter, and their humble Acknowledgments for the same, solemnly promising that they will inviolably observe and keep the same, except as is therein excepted; and will neither, directly nor indirectly, contrive, propose, enact, or do, any Thing or Things whatsoever, by Virtue of the Power thereby granted unto them, that shall or may redound to the Prejudice or Disadvantage of the Proprietary and Governor, his Heirs and Successors, in their just Rights, Properties and Privileges, granted to him, and them, by the King's Letters Patents, and Deeds of Release and Feoffment, made to him by JAMES, Duke of *York* and *Albany, &c.* and whom they desire may be hereby acknowledged and recognized the true and rightful Proprietaries and Governors of the Province of *Pennsylvania*, and Territories annexed, according to the King's Letters Patents, and Deeds of Release and Feoffment from JAMES Duke of *York* and *Albany*, unto the said Proprietary and Governor,

his Heirs and Successors, any Thing in this Act, or any other Act or Grant, Charter or Law, to the contrary of these Things herein and hereby explained, altered, limited, promised, declared and enacted, in any wise notwithstanding.

The FRAME *of the Government of the Province of* Pennsylvania, *and Territories thereunto annexed, in* America, April 2, 1683.

To all Persons to whom these Presents may come.

Whereas King Charles, the II. by his Letters Patents, under the Great Seal of *England*, bearing the Date the fourth Day of *March*, in the Thirty and Third Year of the King, for divers Considerations therein mentioned, hath been graciously pleased to give and grant unto me WILLIAM PENN, by the Name of WILLIAM PENN, Esquire, Son and Heir of Sir WILLIAM PENN, deceased, and to my Heirs and Assigns for ever, all that Tract of Land or Province, called *Pennsylvania*, in *America*, with divers great Powers, Pre-eminences, Royalties, Jurisdictions, and Authorities, necessary for the Well-being and Government thereof: And whereas the King's dearest Brother, JAMES, Duke of *York* and *Albany*, *&c.* by his Deeds of Feoffment, under his Hand and Seal, duly perfected, bearing Date the Four and Twentieth Day of *August*, One Thousand Six Hundred Eighty and Two, of all the Tract of Land, lying and being from twelve Miles Northward of *Newcastle*, upon *Delaware* River, in *America*, to *Cape Henlopen*, upon the said River and Bay of *Delaware*, Southward, together with all Royalties, Franchises, Duties, Jurisdictions, Liberties and Privileges thereunto belonging: *Now know ye*, That for the Well-being and Government of the said Province, and Territories thereunto annexed; and for the Encouragement of all the Freemen and Planters that may be therein concerned, in Pursuance of the Rights and Powers aforementioned, I, the said WILLIAM PENN, have declared, granted, and confirmed, and by these Presents, for me, my Heirs and Assigns, do declare, grant and confirm unto all the Freemen, Planters and Adventurers, of, in, and to, the said Province, and Territories thereof, these Liberties, Franchises, and Properties, so far as in me lieth, to be *held, enjoyed and kept*, by the Freemen, Planters and Adventurers of and in the said Province of *Pennsylvania*, and Territories thereunto annexed, for ever.

Imprimis. That the Government of this Province, and Territories thereof, shall, from time to time, according to the Powers of the Patent, and Deeds of Foeffment aforesaid, consist of the Proprietary and Governor, and the Freemen of the said Province, and Territories thereof, in the Form

of a Provincial Council, and Assembly; which Provincial Council shall consist of Eighteen Persons, being three out of each County; and which Assembly shall consist of Thirty-six Persons, being six out of each County, Men of most Note for Virtue, Wisdom and Ability, by whom all Laws shall be made, Officers chosen, and publick Affairs transacted, as is hereafter limited and declared.

II. There being three Persons already chosen for every respective County of this Province, and Territories thereof, to serve in the Provincial Council, one of them for three Years, one for two Years, and one for one Year, and one of them being to go off yearly in every County; That on the tenth Day of the *First Month*, yearly, for ever after, the Freemen of the said Province, and Territories thereof, shall meet together in the most convenient Place of every County of this Province, and the Territories thereof, and then and there choose one Person qualified as aforesaid, in every County, being One Third of the Number, to serve in Provincial Council for three Years; it being intended, that One Third of the whole Provincial Council, consisting and to consist of eighteen Persons, falling off yearly, it shall be yearly supplied with such yearly Elections, as aforesaid, and that one Person shall not continue in longer than three Years: And in case any Member shall decease before the last Election during his Time, that then at the next Election ensuing his Decease, another shall be chosen to supply his Place for the remaining Time he was to have served, and no longer.

III. That after the first seven Years, every one of the said third Parts that goeth yearly off, shall be incapable of being chosen again for one whole Year following, that so all that are capable and qualified as aforesaid, may be fitted for Government, and have a Share of the Care and Burthen of it.

IV. That the Provincial Council in all Cases and Matters of Moment, as their Arguing upon Bills to be passed into Laws, or Proceedings about erecting of Courts of Justice, Sitting in Judgment upon Criminals impeached, and Choice of Officers in such Manner as is herein after expressed, not less than Two Thirds of the Whole shall make a Quorum, and that the Consent and Approbation of Two Thirds of that Quorum shall be had in all such Cases or Matters of Moment; and that in all Cases and Matters of lesser Moment, One Third of the Whole shall make a Quorum, the Majority of which shall, and may, always determine in such Cases and Causes of lesser Moment.

V. That the Government and Provincial Council shall have the Power of preparing and proposing to the Assembly hereafter mentioned, all Bills which they shall see needful, and that shall at any Time be passed into Laws within the said Province, and Territories thereof; which Bills, shall be published and affixed to the most noted Place in every County of this Province, and the Territories thereof, twenty Days before the Meeting of the Assembly, in order to passing them into Laws.

VI. That the Governor and Provincial Council shall take Care that all Laws, Statues and Ordinances, which shall at any Time be made within the said Province and Territories, be duly and diligently executed.

VII. That the Governor and Provincial Council shall, at all Times, have the Care of the Peace, and Safety of this Province, and Territories thereof, and that nothing be by any Person attempted to the Subversion of this Frame of Government.

VIII. That the Governor and Provincial Council shall, at all Times, settle and order the Situation of all Cities and Market Towns in every County, modeling therein all publick Buildings, Streets and Market Places, and shall appoint all necessary Roads and Highways in this Province, and Territories thereof.

IX. That the Governor and Provincial Council shall, at all Times, have Power to inspect the Management of the Publick Treasury, and punish those who shall convert any Part thereof to any other Use than what hath been agreed upon by the Governor, Provincial Council and Assembly.

X. That the Governor and Provincial Council shall erect and order all publick Schools, and encourage and reward the Authors of useful Sciences and laudable Inventions in the said Province, and Territories thereof.

XI. That One Third of the Provincial Council, residing with the Governor, shall, with the Governor, from time to time, have the Care of the Management of all publick Affairs relating to the Peace, Justice, Treasury and Improvement of the Province and Territories, and to the good Education of Youth, and Sobriety of the Manners of the Inhabitants therein as aforesaid.

XII. That the Governor or his Deputy shall always preside in the Provincial Council, and that he shall at no Time therein perform any publick Act of State whatsoever that shall or may relate unto the Justice, Trade, Treasury, or

Safety of the Province and Territories as aforesaid, but by and with the Advice and Consent of the Provincial Council thereof.

XIII. And to the End that all Bills prepared and agreed by the Governor and Provincial Council as aforesaid, may yet have the more full Concurrence of the Freemen of the Province and Territories thereof, it is declared, granted and confirmed, that at the Time and Place in every County for the Choice of one Person to serve in Provincial Council as aforesaid, the respective Members thereof, at their said Meeting, shall yearly choose out of themselves six Persons of Note for Virtue, Wisdom and Ability, to serve in Assembly as their Representatives, who shall yearly meet on the tenth Day of the *Third Month*, in the capital Town or City of the said Province, unless the Governor and Provincial Council shall think fit to appoint another Place to meet in, where, during eight Days, the several Members may confer freely with one another, and if any of them see meet, with a Committee of the Provincial Council, which shall be at that Time purposely appointed to receive from any of them Proposals for the Alterations or Amendment of any of the said proposed and promulgated Bills and on the ninth Day from their so meeting, the said Assembly, after the Reading over of the proposed Bills by the Clerk of the Provincial Council, and the Occasions and Motives for them being opened by the Governor or his Deputy, shall, upon the question by him put, give their Affirmative or Negative, which to them seemeth best, in such Manner as is hereafter expressed; but not less than Two Thirds shall make a Quorum in the Passing of all Bills into Laws, and Choice of such Officers as are by them to be chosen.

XIV. That the Laws so prepared and proposed as aforesaid that are assented to by the Assembly, shall be enrolled as Laws of this Province and Territories thereof, with this Stile, *By the Governor, with the Assent and Approbation of the Freeman, in Provincial Council and Assembly met.* And from henceforth the Meeting, Sessions, Acts, and Proceedings of the Governor, Provincial Council, and Assembly, shall be stiled and called, *The Meeting, Sessions, and Proceedings of the General Assembly of the Province of* Pennsylvania, *and the Territories thereunto belonging.*

XV. And that the Representatives of the People, in Provincial Council and Assembly, may, in after Ages, bear some Proportion with the Increase and Multiplying of the People, the Numbers of such Representatives of the People may be

from time to time encreased and enlarged, so as at no Time the Number exceed Seventy-two for the Provincial Council, and Two Hundred for the Assembly; the Appointment and Proportion of which Number, as also the laying and methodozing of the Choice of such Representatives in future Time most equally to the Division of the Country, or Number of the Inhabitants, is left to the Governor and Provincial Council to propose, and the Assembly to resolve; so that the Order of Proportion be stricktly observed, both in the Choice of the Council, and the respective Committees thereof; that is to say, One Third to go off and come in yearly.

XVI. That from and after the Death of this present Governor, the Provincial Council shall, together with the succeeding Governor, erect, from time to time, standing Courts of Justice, in such Places and Number as they shall judge convenient for the good Government of the said Province, and Territories thereof: And that the Provincial Council shall, on the thirteenth Day of the *Second Month*, then next ensuing, elect and present to the Governor, or his Deputy, a double Number of Persons, to serve for Judges, Treasurers, and Masters of Rolls, within the said Province, and Territories, to continue so long as they shall well behave themselves in those Capacities respectively; and the Freemen of the said Province, in Assembly met, on the thirteenth Day of the *Third Month*, yearly elect, and then present to the Governor, or his Deputy, a double Number of Persons, to serve for Sheriffs, Justices of the Peace, and Coroners, for the Year next ensuing, out of which respective Elections and Presentments, the Governor, or his Deputy, shall nominate and commissionate the proper Number for each Office the third Day after the said respective Presentments, or else the first named in such Presentments for each Office as aforesaid, shall stand and serve in that Office the Time before respectively limited, and in case of Death or Default, such Vacancy shall be supplied by the Governor and Provincial Council, in Manner aforesaid.

XVII. That the Assembly shall continue so long as may be needful to impeach Criminals fit to be there impeached; to pass such Bills into Laws as are proposed to them, which they shall think fit to pass into Laws; and till such Time as the Governor and Provincial Council shall declare that they have nothing farther to propose unto them for their Assent and Approbation, and that Declaration shall be a Dismiss to the Assembly for that Time; which Assembly shall be, notwithstanding, capable of assembling together upon the Summons of the Governor and Provincial Council, at any Time during

that Year, if the Governor and Provincial Council shall see Occasion for their so assembling.

XVIII. That all the Elections of Members, or Representatives of the People to serve in Provincial Council and Assembly, and all Questions to be determined by both, or either of them, that relate to Choice of Officers, and all, or any other personal Matters, shall be resolved or determined by the Ballot; and all Things relating to the preparing and passing of Bills into Laws, shall be openly declared and resolved by the Vote.

XIX. That at all Times when the Proprietary and Governor shall happen to be an Infant, and under Age of One and Twenty Years, and no Guardian or Commissioners are appointed in Writing by the Father of the said Infant, or that such Guardian shall be deceased, that during such Minority, the Provincial Council shall, from time to time, as they shall see meet, constitute and appoint Guardians and Commissioners, not exceeding Three, One of which shall preside as Deputy and chief Guardian during such Minority, and shall have and execute, with the Consent of one of the other Two, all the Power of a Governor in all publick Affairs and Concerns of the said Province, and Territories thereof, according to Charter; which said Guardian so appointed, shall also have the Care and Oversight of the Estate of the said Minor, and be yearly accountable and responsible for the same to the Provincial Council, and the Provincial Council to the Minor, when of Age, or to the next Heir, in case of the Minor's Death, for the Trust before expressed.

XX. That as often as any Days of the Month, mentioned in any Article of this Charter, shall fall upon the first Day of the Week, commonly called *The Lord's Day*, the Business appointed for that Day shall be deferred till the next Day, unless in Cases of Emergency.

XXI. And, for the Satisfaction and Encouragement of all Aliens, I do give and grant, that if any Alien, who is or shall be a Purchaser, or who doth or shall inhabit in this Province, or Territories thereof, shall decease at any Time before he can well be naturalized, his Right and Interest therein shall notwithstanding descend to his Wife and Children, or other his Relations, be he testate or intestate, according to the Laws of this Province, and Territories thereof, in such Cases provided, in as free and ample Manner, to all Intents and Purposes, as if the said Alien had been naturalized.

XXII. And that the Inhabitants of this Province and Ter-

ritories thereof, may be accommodated with such Food and Sustenance as G O D in his Providence hath freely afforded, I do also farther grant to the Inhabitants of this Province, and Territories thereof, Liberty to fowl and hunt upon the Lands they hold, and all other Lands therein, not inclosed, and to fish in all Waters in the said Lands, and in all Rivers and Rivulets, in and belonging to this Province, and Territories thereof, with Liberty to draw his or their Fish on Shore on any Man's Lands, so as it be not to the Detriment or Annoyance of the Owner thereof, except such Lands as do lie upon inland Rivulets, that are not boatable, and which are or may be hereafter erected into Manors

XXIII. And that all the Inhabitants of this Province, and Territories thereof, whether Purchasers, or others, may have the last wordly Pledge of my good and kind Intentions to them and theirs, I do give, grant and confirm, to all and every one of them, full and quiet Possession of their respective Lands, to which they have any lawful or equitable Claim, saving only such Rents and Services for the same, as are, or customarily ought to be, reserved to me, my Heirs or Assigns.

XXIV. That no Act, Law, or Ordinance whatsoever, shall, at any Time hereafter, be made or done, by the Proprietary and the Governor of this Province, and Territories thereunto belonging, his Heirs or Assigns, or by the Freemen in Provincial Council, or Assembly, to alter, change, or diminish the Form or Effect of this CHARTER, or any Part or Clause thereof, contrary to the true Intent and Meaning thereof, without the Consent of the Proprietary and Governor, his Heirs or Assigns, and Six Parts of Seven of the said Freemen, in Provincial Council and Assembly met.

XXV. And lastly, I the said WILLIAM PENN, Proprietary and Governor of the Province of *Pennsylvania*, and Territories thereunto belonging, for me, my Heirs and Assigns, have solemnly *declared, granted, and confirmed*, and do hereby solemnly declare, grant and confirm, that that neither I, my Heirs or Assigns, shall procure or do any Thing or Things, whereby the Liberties in this *Charter* contained and expressed, shall be infringed or broken; and if any Thing be procured by any Person or Persons, contrary to these Premises, it shall be held of no Force or Effect. *In witness* whereof, I the said WILLIAM PENN, at *Philadelphia*, in *Pennsylvania*, have unto this present *Charter of Liberties*, set my Hand and Broad Seal, this second Day of the *Second Month*, in the Year of our Lord, One Thousand Six Hundred Eighty and Three, be-

being the Five and Thirtieth Year of the King, and the third Year of my Government.

WILLIAM PENN.

This within Charter, *which we have distinctly heard read, and thankfully received, shall be by us inviolably kept; at* Philadelphia, *the second Day of the* Second Month, *One Thousand six Hundred Eighty and Three.*

The Members of the Provincial Council present.

William Markham,	*William Clayton,*	*James Harrison,*
John Moll,	*Francis Whittwell,*	*John Richardson,*
William Haige,	*Thomas Holme,*	*Philip Th. Lenman,* Governor's Sec'y.
Christopher Taylor,	*William Clark,*	*Richard Ingelo,* Cl. Con.
John Simcock,	*William Biles,*	

The Members of the Assembly present.

Casparus Harman,	*William Futcher,*	*Robert Lucas,*
John Darby,	*John Kipshaven,*	*James Williams,*
Benjamin Williams,	*Alexander Molestine,*	*John Blunston,*
William Guest,	*Robert Bracy,* senior.	*John Songhurst.*
Valentine Hollingsworth,	*Thomas Bracy,*	*John Hill,*
	William Yardly,	*Nicholas Waine,*
James Boyden,	*John Hastings,*	*Thomas Ftizwater,*
Bennony Bishop.	*Robert Wade,*	*John Clowes,*
John Beazor,	*Thomas Hassold,*	*Luke Watson,*
John Harding,	*John Hart,*	*Joseph Phipps,*
Andrews Bringston,	*Robert Hall,*	*Dennis Rotchford.*
Simon Irons,	*Robert Bedwell,*	*John Brinklair,*
John Wood,	*William Simsmore,*	*Henry Bowman,*
John Curtis,	*Samuel Darke,*	*Cornelius Verhoose.*
Daniel Brown,		

John Southworth, Cl. Synod

Some of the Inhabitants of *Philadelphia* present.

William Howell,	*Henry Lewis,*
Edmund Warner,	*Samuel Miles.*

The FRAME *of Government of the Province* of Pennsylvania, *and the Territories thereunto belonging; passed by Governor* Markham, November 7, 1696.

Whereas the late King Charles the II. in the Three and Thirtieth Year of his Reign, by Letters Patent under the Great

Seal of *England*, did, for the Considerations therein mentioned, grant unto WILLIAM PENN, his Heirs, and Assigns, for ever, this Colony or Tract of Land, thereby erecting the same into a Province, called *Pennsylvania*, and constituting him the said WILLIAM PENN, absolute Proprietary thereof, vesting him, his Deputies and Lieutenants, with divers great Powers, Pre-eminences, Royalties, Jurisdictions, and Authorities, necessary for the Well-being and good Government of the said Province. And whereas the late Duke of *York* and *Albany*, *&c.* for valuable Considerations, did grant unto the said WILLIAM PENN, his Heirs and Assigns, all that Tract of Land, which hath been cast or divided into three Counties, now called *Newcastle*, *Kent*, and *Sussex*, together with all Royalties, Franchises, Duties, Jurisdictions, Liberties and Privileges thereto belonging; which last mentioned Tract being intended as a beneficial and requisite Addition to the Territory of the said Proprietary he the said Proprietary and Governor, at the Request of the Freemen of the said three Counties, by their Deputies, in Assembly met, with the Representatives of the Freemen of the said Province, at *Chester* alias *Upland*, on the sixth Day of the *Tenth Month*, 1682, did (with the Advice and Consent of the Members of the said Assembly) enact, That the said three Counties should be annexed to the Province of *Pennsylvania*, as the proper Territories thereof: And whereas King WILLIAM, and the late Queen Mary, over *England*, *&c.* by their Letters Patent, and Commission under the Great Seal of *England*, dated the twenty-first Day of *October*, in the fourth Year of their Reign, having (for the Reason therein mentioned) taken the Government of this said Providence, and Territories, into their Hands, and under their Care and Protection, did think fit to constitute *Benjamin Fletcher*, Governor of *New-York*, to be their Captain General and Governor in Chief, over this Province and Country. *And whereas also* the said King and Queen afterwards, by their Letters Patent, under the Great Seal of *England*, dated the twentieth day of *August*, in the sixth year of their Reign, have thought fit, upon the humble Application of the said WILLIAM PENN, to restore him to the Administration of the Government of the said Province, and Territories; and that so much of their said Commission as did constitute the said *Benjamin Fletcher*, their Captain General, and Governor in Chief of the said Province of *Pennsylvania*, Country of *Newcastle*, and the Territories and Tracts of Land depending thereupon, in *America*, together with all the Powers and Authorities thereby granted for the ruling and governing

their said Province, and Country, should, from the Publication of the said last recited Letters Patent, cease, determine, and become void; and accordingly the same are hereby declared void; whereupon the said William Penn did commissionate his Kinsman, *WILLIAM MARKHAM*, Governor under him, with Directions to act according to the known Laws and Usages of this Government.

Now forasmuch as the former Frame of Government, modelled by Act of Settlement, and Charter of Liberties, is not deemed in all Respects suitably accommodated to our present Circumstances, therefore it is unanimously desired that it may be enacted, *And be it enacted* by the Governor aforesaid, with the Advice and Consent of the Representatives of the Freemen of the said Province, and Territories, in Assembly met, and by the Authority of the same, That this Government shall, from time to time, consist of the Governor, or his Deputy or Deputies, and the Freemen of the said Province, and Territories thereof, in Form of a Council, and Assembly; which Council, and Assembly, shall be Men of most Note for Virtue, Wisdom and Ability; and shall, from and after the tenth Day of the *First Month* next, consist of two Persons out of each of the Counties of this Government, to serve as the People's Representatives in Council; and of four persons out of each of the said Counties, to serve as their Representatives in Assembly for the Electing of which Representatives, it shall and may be lawful to and for all the Freemen of this Province, and Territories aforesaid, to meet together on the tenth Day of the *First Month*, yearly hereafter, in the most convenient and usual Place for Election within the respective Counties, then and there to choose their said Representatives as aforesaid, who shall meet on the tenth Day of the *Third Month* yearly, in the Capital Town of the said Province, unless the Governor and Council shall think fit to appoint another Place.

And, to the End it may be known who those are, that, in this Province or Territories, have Right of, or be deemed Freemen, to choose or be chosen, to serve in Council and Assembly as aforesaid, *Be it enacted* by the Authority aforesaid, That no Inhabitant of this Province, or Territories, shall have Right of electing, or being elected as aforesaid, unless they be free Denizens of this Government, and are of the Age of Twenty-one Years, or upwards, and have fifty Acres of Land, ten Acres whereof being seated and cleared, or be otherwise worth *Fifty Pounds*, lawful Money of this Government, clear

Estate and have been resident within this Government for the Space of two Years next before such Election.

And whereas divers Persons within this Government, cannot, for Conscience sake, take an Oath, upon any Account whatsoever, *Be it therefore* enacted by the Authority aforesaid, That all and every such Person, or Persons, being at any Time hereafter required upon any lawful Occasion to give Evidence, or take an Oath, in any Case, whatsoever, shall, instead of Swearing, be permitted to make his or their Solemn Affirmation, Attest or Declaration, which shall be adjudged, and is hereby *enacted and declared* to be of the same Force and Effect, to all Intents and Purposes whatsoever, as if they had taken an Oath; and in case any such Person or Persons shall be lawfully convicted of having wilfully and corruptly affirmed or declared any Matter or Thing, upon such solemn Affirmation or Attest, shall incur the same Penalties and Forfeitures, as by the Laws and Statues of *England* are provided, against Persons convicted of wilful and corrupt Perjury.

And be it further enacted by the Authority aforesaid, That all Persons who shall be hereafter either elected to serve in Council, and Assembly, or Commissionated or appointed to be Judges, Justices, Masters of the Rolls, Sheriffs, Coroners, and all other Officers of State and Trust, within this Government, who shall conscientiously scruple to take an Oath, but, when lawfully required, will make and subscribe the Declaration and Profession of their Christian Belief, according to the late Act of Parliament, made in the first Year of King WILLIAM, and the late Queen MARY, entituled *An Act for exempting their Majesties Protestant Subjects, dissenting from the Church of* England, *from the Penalties of certain Laws.* shall be adjudged, and are hereby declared to be qualified to act in their said respective Offices and Places, and thereupon the several Officers herein mentioned, shall, instead of an Oath, make their solemn Affirmation or Declaration, in Manner and Form following: *that is to say,*

The Form of Judges and Justices Attest, shall be in these Words, *Viz.*

Thou shalt solemnly promise, that as Judge, or Justice, according to the Governor's Commission to thee directed, thou shalt do equal Right to the Poor and Rich, to the best of thy Knowledge and Power, according to Law, and after the Usages and Constitutions of this Government; thou shalt not be of Council of any Matter or Cause depending before thee, but

shalt well and truly do thy Office in every Respect, according to the best of thy Understanding.

The Form of the Attests to be taken by the Masters of the Rolls, Secretaries, Clerks and such like Officers, shall be thus, *viz.*

Thou shalt well and faithfully execute the Office of, &c. according to the best of thy Skill and Knowledge; taking such Fees only, as thou ought to receive by the Laws of this Government.

The Form of the Sheriffs, and Coroners Attest, shall be in these Words, *viz.*

Thou shalt solemnly promise, that thou wilt well and truly serve the King, and Governor in the Office of the Sheriff (or Corner) *of the County of, &c. and preserve the King, and Governor's Rights, as far forth as thou can, or may; thou shalt truly serve, and return, all the* Writs *and* Precepts *to thee directed; thou shalt take no Bailiff, nor Deputy, but such as thou wilt answer for; thou shalt receive no Writs, except from such Judges and Justices, who by the Laws of this Government, have Authority to issue and direct Writs unto thee; and thou shalt diligently and truly do and accomplish all Things appertaining to thy Office, after the best of thy Wit, and Power, both for the King, and Governor's Profit, and Good of the Inhabitants within the said County, taking such Fees only, as thou ought to take by the Laws of this Government, and not otherwise.*

The Form of a Constable's Attests shall be this *viz.*

Thou shall solemnly promise, well and duly, according to the best of thy Understanding, to execute the Office of a Constable, for the Town (or County of) P. *for this ensuing Year, or until another be attested in thy Room, or thou shalt be legally discharged thereof.*

The Form of the Grand Inquest's Attest, shall be in these Words, *viz.*

Thou shalt diligently enquire, and true Presentment make, of all such Matters and Things, as shall be given thee in Charge. or come to thy Knowledge, touching this present Service; the King's Council, thy Fellows, and thy own, thou shalt keep Secret, and in all Things thou shall present the Truth, and nothing but the Truth, to the best of thy Knowledge.

This being given to the Foreman, the rest of the Inquest shall be attested thus, by three at a Time, *viz.*

The same Attestation that your Foreman hath taken on his Part, you will well and truly keep your Parts.

The Form of the Attest to be given to the Traverse Jury, by four at a Time, shall be thus, *viz.*

You solemnly promise, that you will well and truly try the Issue of Traverse, between the Lord the King, and A. B. *whom you have in Charge, according to your Evidence.*

In Civil Causes thus, *viz.*

You solemnly promise, that you will well and truly try the Issue between A. B. *Plaintiff* and C. D. *Defendant, according to your Evidence.*

Provided always, and it is hereby intended, That no Person shall be by this Act excused from Swearing, who, by the Acts of Parliament for Trade and Navigation, are, or shall be, required to take an Oath.

And, that Elections may not be corruptly managed, on which the Good of the Government so much depends, *Be it further enacted* by the Authority aforesaid, That all Elections of the said Representatives shall be free and voluntary, and that the Electors who shall receive any Reward of Gift for giving his Vote, shall forfeit his Right to elect for that Year; and such Person or Persons, as shall give or promise any such Reward to be elected, or that shall offer to serve for nothing, or for less Wages than the Law prescribes, shall be thereby rendered incapable to serve in Council, or Assembly, for that Year: and the Representatives so chosen, either for Council, or Assembly, shall yield their Attendance accordingly, and be the sole Judges of the Regularity or Irregularity of the Elections of their respective Members: And if any Person or Persons, chosen to serve in Council, or Assembly, shall be wilfully absent from the Service he or they are so chosen to attend, or be deceased, or rendered incapable, then, and in all such Cases, it shall be lawful for the Governor, within ten Days after Knowledge of the same, to issue forth a Writ to the Sheriff of the County for which the said Person or Persons were chosen, immediately to summons the Freemen of the same to elect another Member in the Room of such absent, deceased, or incapable Person or Persons; and in case any Sheriff shall misbehave himself, in the Management of any of the said Elections, he shall be punished accordingly, at the Discretion of the Governor and Council for the Time being.

Be it further enacted by the Authority aforesaid, That every Member now chosen, or hereafter to be chosen, by the Freemen as aforesaid, to serve in Council, and the Speaker of the

Assembly, shall be allowed *Five Shillings*, by the Day, during his and their Attendance; and every Member of Assembly shall be allowed *Four* Shillings, by the Day, during his Attendance on the Service of the Assembly; and that every Member of Council, and Assembly, shall be allowed towards their traveling Charges, after the Rate of *Two-pence* each Mile, both going to, and coming from, the Place where the Council, and Assembly, is or shall be held; all which Sums shall be paid Yearly, out of the County Levies, by the County Receivers respectively.

And be it further enacted by the Authority aforesaid, That the Governor, or his Deputy, shall always preside in the Council, and that he shall at no Time Perform any publick Act of State whatsoever, that shall or may relate unto the Justice, Treasury or Trade of the Province, and Terrirories, but by and with the Advise and Consent of the Council thereof, or major Part of them that shall be present.

And be it further enacted by the Authority aforesaid, That all the Sheriffs, and Clerks, of the respective Counties of the said Province, and Territories, who are, or shall be, commissionated, shall give good and sufficient Security to the Governor, for answering the King, and his People, in Matters relating to the said Offices respectively.

And be it further enacted by the Authority aforesaid, That the Council, in all Cases and Matters of Moment, as about erecting Courts of Justice, sitting in Judgment upon Persons impeached, and upon Bills and other Matters, that may be from time to time presented by the Assembly, not less than Two Thirds shall make a Quorum; and that the Consent and Approbation of the Majority of that Quorum shall be had in all such Cases and Matters of Moment; and that, in Cases of less Moment, not less than One Third of the Whole shall make a Quorum, the Majority of which shall and may always determine in all such Matters of lesser Moment as are not above specified: And in case the Governor's Power shall hereafter happen to be in the Council, a President shall then be chosen out of themselves, by Two Thirds, or the Major Part of them; which President shall therein preside.

Be it further enacted by the Authority aforesaid, That the Governor and Council, shall take Care that all the Laws, Statutes, and Ordinances, which shall at any Time be made within the said Province, and Territories, be duly and diligently executed.

And be it further enacted by the Authority aforesaid, That the Governor and Council, shall at all Times have the Care

of the Peace of this Province, and Territories thereof, and that nothing be, by any Persons, attempted to the Subversion of this *Frame* of *Government*.

And be it further enacted by the Authority aforesaid, That the Governor, and Council, for the Time being, shall, at all Times, settle and order the Situation of all Cities, and Market Towns, modeling therein all publick Buildings, Streets and Market-places, and shall appoint all publick Landing-places, of the Towns of this Province, and Territories: And if any Man's Property shall be judged by the Governor, and Council, to be commodious for such Landing-place, in the said Towns, and that the same be by them appointed as such, that the Owner shall have such reasonable Satisfaction given him for the same, as the Governor and Council shall see meet, to be paid by the said respective Towns.

Be it further enacted by the Authority aforesaid, That the Governor and Council shall, at all Times, have Power to inspect the Management of the Publick Treasury, and punish those who shall convert any Part thereof to any other use than what hath been agreed upon by the Governor, Council, and Assembly.

Be it further enacted by the Authority aforesaid, That the Governor and Council shall erect and order all publick Houses, and encourage and reward the Authors of useful Sciences and Laudable Inventions in the said Province, and Territories thereof.

And be it further enacted by the Authority aforesaid, That the Governor, and Council, shall, from time to time, have the Care of the Management of all publick Affairs, relating to the Peace, Safety, Justice, Treasury, Trade and Improvement of the Province, and Territories, and to the good Education of Youth, and Sobriety of the Manners of the Inhabitants therein as aforesaid.

And be it further enacted by the Authority aforesaid, That the Representatives of the Freemen, when met in Assembly, shall have Power to prepare and propose to the Governor and Council, all such Bills as they, or the major Part of them, shall at any Time see needful to be passed into Laws within the said Province, and Territories.

Provided always, That nothing herein contained shall debar the Governor and Council from recommending to the Assembly, all such Bills as they shall think fit to be passed into Laws; and that the Council and Assembly may, upon Occasion, confer together in Committees, when desired; all

which said proposed and prepared Bills, or such of them as the Governor, with the Advice of the Council, shall, in open Assembly, declare his Assent unto, shall be the Laws of this Province, and the Territories thereof, and published accordingly, with this Stile, *By the Governor, with the Assent and Approbation of the Freemen, in General Assembly met;* a true Transcript or Duplicate whereof, shall be transmitted to the King's Privy Council, for the Time being, according to the said late King's Letters Patent.

And be it further enacted by the Authority aforesaid, That the Assembly shall sit upon their own Adjournments, and Committees, and continue in order to prepare and propose Bills, redress Grievances, and impeach Criminals, or such Persons as they shall think fit to be there impeached, until the Governor and Council, for the Time being, shall dismiss them; which Assembly shall, notwithstanding such Dismiss, be capable of assembling together, upon Summons of the Governor and Council, at any Time during that Year; Two Thirds of which Assembly, in all Cases, shall make a Quorum.

And be it enacted by the Authority aforesaid, That all Elections of Representatives for Council, and Assembly, and all Questions to be determined by them; shall be by the major Part of Votes.

Be it further enacted by the Authority aforesaid, That as oft as any Days of the Month, mentioned in any Article of this Act, shall fall upon the first Day of the Week, commonly called *The Lord's Day*, the Business appointed for that Day, shall be deferred till the next Day, unless in Cases of Emergency.

Be it further enacted by the Authority aforesaid, That if any Alien, who is or shall be a Purchaser of Lands, or who doth or shall inhabit in this Province, or Territories thereof, shall decease at any Time before he can well be denizised, his Right and Interest therein shall notwithstanding descend to his Wife and Children, or other his Relations, be he testate or intestate, according to the Laws of this Province, and Territories thereof, in such Cases provided, in as free and ample Manner, to all Intents and Purposes, as it the said Alien had been denizised.

And that the People may be accommodated with such Food and Sustenance as GOD in his Providence hath freely afforded, *Be it enacted* by the Authority aforesaid, That the Inhabitants of this Province, and Territories thereof shall have Liberty to fish, and hunt, upon the Lands they hold, or

all other Lands therein, not inclosed, and to fish in all Waters in the said Lands, and in all Rivers and Rivulets, in and belonging to this Province, and Territories thereof, with Liberty to draw his or their Fish upon any Man's Lands, so as it be not to the Detriment or Annoyance of the Owner thereof, Except such Lands as do lie upon inland Rivulets, that are not boatable, or which hereafter may be erected into Manors.

Be it further enacted by the Authority aforesaid, That all Inhabitants of this Province, and Terrirories, whether Purchasers, or others, and every one of them, shall have full and quiet Enjoyment of their respective Lands and Tenements, to which they have any lawful or equitable Claim, saving only such Rents and Services for the same, as are, or customarily ought to be, reserved to the Lord or Lords of the Fee thereof, respectively.

Be it further enacted by the authority aforesaid, That no Act, Law, or Ordinance whatsoever, shall, at any Time hereafter, be made or done, by the Governor of this Province, and Territories thereunto belonging, or by the Freemen in Council, or Assembly, to alter, Change, or diminish the Form and Effect of this Act, or any Part or Clause thereof, contrary to the true Intent and Meaning thereof, without the Consent of the Governor, for the Time being, and Six Parts of Seven of the said Freemen, in Council and Assembly met. This Act to continue and be in Force, until the said Proprietary shall signify his Pleasure to the contrary, by some Instrument, under his Hand and Seal, in that Behalf.

Provided always, and it is hereby enacted, That neither this Act, nor any other Act or Acts whatsoever, shall preclude or debar the Inhabitants of this Province, and Territories, from claiming, having, and enjoying any of the Rights, privileges and Immunities, which the said Proprietary, for himself, his Heirs and Assigns, did formerly grant, or which of Right belong unto them the said Inhabitants, by Virtue of any Law, Charter, or Grants whatsoever, any Thing herein contained to the contrary notwithstanding.

The L A W for ratifying and confirming the Acts and Proceedings of the Assembly, in 1696; passed by WILLIAM MARKHAM, May, 1697.

W H E R E A S divers Persons within this Government, have expressed their Dissatisfaction, both with the Proceedings, and Dissolution of the Council, and Assembly, in *October*,

1696, insisting that their Charteral Rights were given away thereby, and that all the Laws passed the last Assembly are void, and of no Force, with such like Objections, that are made use of to obstruct the Proceedings of this Assembly, as also to amuse the People, and bring the Government into Confusion: *Now for asmuch* as it is sufficiently apparent, that by the Act passed at the said last Assembly, intituled, *The Frame of the Government of the Province of* Pennsylvania, *and the Territories thereunto belonging;* Provision is made against such Dissolution of Council and Assembly, as is complained of; and that our Charteral Rights are so far from being taken away, or given away that they are effectually asserted, with sufficient Salvo's to preserve the People's just Rights and Claims to all and every the Privileges and Immunities, granted them by any Charter, or other Grant from the Proprietary, in case he should disapprove of the said Frame of Government.

Therefore for removing and preventing all further Doubts, Scruples and Disputes, concerning the Meeting, Sitting and Proceedings of this present General Assembly, *Be it enacted and declared*, and it is declared and enacted by the Governor, and Representatives of the Freemen of the said Province, and Territories, in Council and Assembly met, and by the Authority of the same, That the Governor, and Freemen, of the said Province, and Territories, met at *Philadelphia*, on the tenth Day of the *Third Month*, 1697, and now sitting in General Assembly, are the Council and Assembly of the said Province of *Pennsylvania*, and Territories thereunto belonging, and shall be, and are hereby declared, enacted, and adjudged so to be, to all Intents, Constructions and Purposes whatsoever, as if this General Assembly had been elected according to the Rotation of Liberties, before Colonel *Fletcher* came to the Administration of this Government, and as if this Government, and as if this present Council and Assembly had consisted of the Numbers, and had met on the Days in the said Charter, and former Act of Settlement, limited and Appointed.

And it is further enacted by the Authority aforesaid, That the said Frame of Government, and all other the Acts and Laws made and passed at the said last Assembly, held here in *October*, and *November*, 1696, as also all other Laws formerly enacted, and now in Force, and not by this General Assembly altered or repealed, are hereby declared and enacted to stand and remain in full Force, and be reputed, observed,

adjudged and taken as the Laws of this Government, any Law, Charter, or Usage to the contrary, in any wise notwithstanding.

"*The above Law, with four others, was passed by* WILLIAM "MARKHAM, *under the following Introduction, viz.* (*of which "the above was the first*)

"The Laws made and passed by *William Markham*, Esq; Governor, under WILLIAM PENN, Esq; absolute Proprietary of the Province of *Pennsylvania*, and the Territories thereunto belonging; and by and with the Advice and Consent of the Council, and Representatives, of the said Province, and Territories, in General Assembly met, at *Philadelphia*, in the said Province, the Twentieth and Sixth Day of *October*, and the Seventh Day of *November*, in the Eighth Year of the Reign of William the III. of *England, &c. Ammoque Domini*, 1696, under the Hand of the said *William Markham*, and the Seal of the said Province"

The Law *concerning Elections of Representatives in Council and Assembly; passed by Governor* WILLIAM MARKHAM, May, 1699.

WHEREAS this Government, by the Laws and Constitutions thereof, is to consist of the Governor, or his Deputy or Deputies, and Freemen of this Province, and Territories, in Form of a Council, and Assembly; which, from and after the tenth Day of the *First Month*, 1696, were to consist of two Persons out of each County, as the People's Representatives in Council, and four Persons out of each County, to serve in Assembly; for the Electing of whom, the said Freemen have Liberty to meet together on the tenth Day of the *First Month*, yearly, in the most convenient and usual Place of Election within the respective Counties, then and there to choose their said Representatives.

And whereas the Freemen of the County of *Newcastle*, having neglected to make their Choice of Representatives on the tenth Day of *March* last past, the Governor sent his Writ, requiring the Sheriff of that County to summon the said Freemen to meet in the usual place of Election, the first Day of the *Third Month*, instant, when and where a considerable Number of them came, but utterly refused to make any Choice of Representatives, to the great Contempt of the Governor, and of the Power and Authority of this Government; and a most

manifest Slight of that inestimable Privilege of being represented in Legislation by the Persons of their own Choice.

Now forasmuch as there is no Law of this Government, that directs the Punishment or Penalty which ought to be inflicted upon the Counties so neglecting and refusing, nor upon such Sheriffs as shall refuse or neglect the Duty of their Offices in that Behalf; *Therefore it is enacted* by the Governor, Council and Assembly of this Province, and Territories, and by the Authority of the same, That if the Freemen of any of the Counties within this Province, and Territories, shall neglect or refuse to elect their said Representatives, according to the Tenor and Direction of a Law passed in General Assembly, held at *Philadelphia* in the *Ninth Month*, which was in the Year 1696, intituled, *The Frame of Government of the Province of* Pennsylvania, *and Terrirories thereto belonging;* then, and in such Case, the People and Inhabitants of the County or Counties so offending, shall be amerced by the Governor, and major Part of the Members of Council for the Time being, at their first Sitting next after such Neglect or Refusal happens, in the Sum of *One Hundred Pounds*, in lawful current Money of *Pennsylvania*, to be levied by Distress and Sale of the Goods and Chattels of any four or more of the said Inhabitants, so as aforesaid refusing or neglecting to elect; which said Sum or Sums so to be levied, with all Costs and Damages sustained, shall be deemed as a County Charge, and shall be rated and assessed accordingly, for the Reimbursement of the Persons upon whom the same shall be levied.

And be it further enacted, That if the Sheriff of any County or Counties within this Province, and Territories, shall refuse or neglect the Duty of his Office, in the said Elections, or shall withstand, prevent or discourage the same, such Sheriff or Sheriffs so offending, shall be amerced in the Sum of *Fifty Pounds*, Money aforesaid.

And be it further enacted by the Authority aforesaid, That it any of the Persons elected will not appear, and do wilfully absent themselves from their Service in Council and Assembly respectively, then he or they so absenting shall be fined, *to wit*, Council Members by the Council, and Assembly Members by the Assembly, in any Sum not exceeding *Twenty Shillings per* Day; all which Americaments or Sums of Money accruing by this Act, shall be levied by Warrants from the Governor and Council, directed to the Coroner or Coroners

of the respective Counties, and paid into the Treasury and Provincial Stock, for the Use and Service of the Government.

Provided always, That if so many of the said Counties shall happen to neglect or refuse to make Elections, or absent themselves as aforesaid, whereby a Quorum, as required by the said Frame of Government, cannot be had, in both Council and Assembly respectively, then it shall and may be lawful to and for the Members of Council and Assembly, that do meet, with the Governor, or his Deputies as aforesaid, to act and proceed in all Matters requisite and necessary for executing the Powers of Government.

"*The above* (*which was the first*) *with nine other Laws, were passed by* WILLIAM MARKHAM, *as follows, viz.*

The Laws made and passed by *William Markham*, Esq; Lieutenant-Governor (by Virtue of a Power granted to him by the Right Honourable WILLIAM PENN, absolute proprietary and Governor of the Province of *Pennsylvania*, and the Territories thereunto belonging) by and with the Advice and Consent of the Representatives of the Freemen of the said Province, and Territories, in General Assembly met, at *Philadelphia*, in the said Province, the tenth Day of *May*, in the eleventh Year of the Reign of WILLIAM the III. of *England*, King, and in the year of the Proprietary's Government over the said Province, in *America*, *Annoque Domini* 1699, under the Hand of the said *William Markham*, and the Seal of the said Province."

The Minutes of the Assembly being deficient from October 27, 1701, *to the the 12th of the* Second Month, 1704, *the following Extracts are made from the Minutes of Council, to supply, in some Measure, that Defect.*

At a Council held at Philadelphia, *the 28th of* October, 1701.

PRESENT,

The Proprietary *and* Governor

Edward Shippen, *Samuel Carpenter*, *John Guest*, } Esquires. { *Griffith Owen*, *Caleb Pusey*, *Thomas Story*, *Phineas Pemberton.* } Esquires.

THE Governor having, on the 25th Instant, sent his Offer in Writing, to allow and make good to all the Possessors

of Lands in the Province and Counties, six Acres to the Hundred, in all Cases whether they had so much within their Lines, or not, which Offer they had rejected; he thought fit to summon all the Representatives to attend him, desiring they would adjourn themselves to his House; and being come, he very closely expostulated with them for their Failure in Duty, not only to him, but to themselvese, in making no better Use of the Opportunity he had given them; told them, he scarce Half an Hour left to spend with them; desired to know if they had come to any further Resolution about the Bill of Property; said, he expected they would not leave that Point which he had proposed to them last *Seventh Day, viz.* the Offer of *Six per Cent.* unsettled; and now, he said, he had required them to adjourn to his House, that they might here proceed without Loss of Time in their Business, and advised them to retire into his Parlour, where they might sit undisturbed so long as to come to a Resolution, to which he most earnestly press'd them; and withdrawing accordingly, having spent about an Hour in the said Parlour, they sent the Governor a Paper, which was read in these Words.

THE *Assembly making due Reflection on the Governor's Speech, and the Duty they lie under of discharging their Trust unto the Freeholders whom they represent, in ascertaining and maintaining their Rights in Property as well as Privileges; and the Law of* Newcastle *being short in giving unto all equally, their Right in reference to the Ten* per Cent. *according as we, since this Sessions begun, conceived the Proprietary was pleased to concede unto, which did appear by the Paper he amended with his own Hand, and sent by two of our Members into this House, thereby giving Satisfaction to the whole House; and we since abating of the Hardships the Proprietary complained of, by other Amendments this Day offer'd by two of our Members, relating to making Satisfaction to all such as wanted of their Measure of Land; which Paper the Proprietary was pleased to reject and return to us, giving us in Charge, that we must make speedy Dispatch, having but Half an Hour's Time to spend; and that now many of our Members have left the House, and are returned to their Homes, under a Satisfaction that the Ten* per Cent. *would be allowed equally to all Persons concerned, according to the Amendment conceded to as abovesaid: We must therefore humbly crave Leave to acquaint our Proprietary, that we cannot depart from our former Concession and Request, without injuring our Sense, and re-*

monstrating it accordingly in a larger Manner, if we had Time to so do; but whatever we do contrary to the same, is of Necessity, and not of Choice.

This Paper not being signed, it was returned to them to be signed, but they declined it.

The several Bills that were agreed on, being engrossed, and presented to the Governor;

These were passed.

An Act for establishing Courts of Judicature.

An Act directing the Punishment of Larceny under Five Shillings.

An Act about Attachments under Forty Shillings.

An Act for preventing clandestine Marriages.

An Act for preventing Accidents by Fire, in the Towns of Bristol, Philadelphia, Chester, Germantown, Darby, Newcastle, *and* Lewes.

An Act against Swine running at large in Several Townships, &c.

An Act for the Destruction of Blackbirds and Crows.

An Act against selling Rum and other strong Liquors to the Indians.

The Governor also signed the Charter of Privileges, with a Warrant to affix the Great Seal to it, which was delivered with it to *Thomas Story*, Keeper of the said Seal, and Master of the Rolls, to be sealed and recorded.

And the Assembly was dissolved.

(Here follows in the Minutes, the Charter of Privileges to the Province and Counties.)

At a Council held at Philadelphia, *the 1st of July, 1702.*

PRESENT.

The Honourable Andrew Hamilton, *Esq; Lieutenant-Governor.*

Edward Shippen, *Samuel Carpenter,* } Esquires *Thomas Story,* *James Logan,* } Esquires.

THE Assembly General, being prorogued to this Instant, and there being no urgent Occasion for which they should meet, the Governor, with Advice of the Council, thinks fit further to prorogue the same to the 20th of the *Sixth Month* next, and to the same time is prorogued; and thereupon it is ordered, that a Proclamation be forthwith drawn for proroguing it accordingly.

At a Council held at Philadelphia, *the* 14*th of* October, 1702.

PRESENT.

The Honourable Andrew Hamilton, *Esq; Lieutenant-Governor.*

Edward Shippen, *John Guest,* *Samuel Carpenter,* } Esquires. *Thomas Story,* Capt. *Finney,* *Caleb Pusey,* } Esquires.

James Logan, Secretary.

THE Disunion to which the Representatives seemed Yesterday inclined, appearing at this Juncture to be of the highest Consequence, both in Relation to the Proprietary at Home, and the Prosperity of Trade here, the Board spent some Hours in considering Means to divert it: Several Papers sent over by the Proprietary from *England*, were read, containing divers Informations and Accusations against this Government; and in regard to the first, it is resolved, That the Judges may and ought to appoint some other suitable Person to prosecute the said Criminals in Behalf of the Queen, *pro hac vice*, and that Justice ought no longer to be delayed, as it too long has been, but be forthwith administered, according to the Laws of this Government, by which alone, while they are in Force, all Officers of the Government can and must act, and by them must be defended.

With the Proprietary's Answer, *Quary's* Reply, and the Proprietary's Rejoinder in several Heads, which Accusations appearing to be in several Parts, it is ordered, That full Answers be drawn up to the said Accusations, to be transmitted to the Proprietary.

Whereas the Representatives who Yesterday appeared, desired that such Attestations might be administered to them as might qualify them for the Service for which they were elected; their Request being debated, it is resolved, That such Qualifications is both unusual and improper, till they shall be in a Condition to enter upon Business, which now they cannot.

Ordered, That the Papers this Day read at this Board, be communicated to the Representatives at Two in the Afternoon; and, that the Conference be deferred till the third Hour, to which Time the Council is adjourned.

Post Meridiem, Hora Tertia.
Iidem qui antea, Capt. *Finney excepted.*

The Representatives having perused the Papers sent to them by Order, returned them again to the Board; but because they were not yet in a Condition to act, declared, they could not

take such Notice of them, as otherwise they would be inclined to do.

The said Representatives presenting themselves for the Conference appointed, the Governor in relation to the Request they had made Yesterday, that they might proceed according to the Charter of Privileges; *that is to say*, that the Province separating themselves from the Lower Counties, seeing they would not meet them, the Number of Represntatives for each County in the Province should be advanced to eight; first represented the many Inconveniences that might ensue to the Province by a Separation; as that Tobaccoes being chiefly their Product, and our principal Returns in Trade to *England*, should they be separated, and become distinct from us, that Traffick would be so clogg'd and incumber'd, that it would be wholly lost to us; that it appeared by the Paper they had read, the Proprietary's Right to the said Counties was under Dispute in *England*, and that their Inhabitants being affected, upon the Province's raising themselves into a distinct Assembly, would in Probability remonstrate to the Queen, that having hitherto been under the Government of *Pennsylvania*, they were now rejected and thrown off, and so became utterly destitute of all Form of Government, and therefore would pray the Queen to take them into her immediate Protection, which would be the readiest Means utterly to defeat the Proprietary of what he was endeavouring for, in relation to them in *England*. That the Proprietary had presented to the Queen a Memorial for her Approbation of the Lieutenant-Governor, the Result of which (as by his Letter he declared) he speedily expected to hear, with Approbation, because the Lower Counties were under Dispute; and the Inclinations of the Court were now to weaken as much as they could, rather than to strengthen Proprietary Claims, 'twas very probable would come to the Governor of *Pennsylvania* alone, which would compleat their Desire effectually, and become the Act of the Queen herself, and the Province be exempt from Blame. Upon all which, the Governor told them, he judged it would be prudent in them to defer their Application for a Separation till those Matters were brought to some Issue, and till we could hear further of them from *England*.

The Governor further added, That seeing the Election and Sitting of the Assembly was to be by Charter, which required the First to be on the First of *October*, and the last on the Fourteenth of the same Month, he could not see how an Addition could be made to the Number as they desired, till the First of *October* should return in Course again: To all which

some of the Chief of the said Representatives replied, That the Royal Grant from the King to the Proprietary, was only for the Province, bounded Twelve Miles *North-ward* of *Newcastle*, that it was on that Grant or Charter only, the several first Purchasers of Land from the Proprietary embarked, and that they expected the Privileges for it accordingly; that they had always hitherto, by being yoked with the Lower Counties, instead of enjoying the Liberties they expected, been so confused, that nothing for the Province's and their real Good could ever be advanced: That they had long groaned under the Hardship of it, and now an Opportunity by the Proprietary's Grant being put into their Hands to ease themselves of those Troubles, they judged themselves obliged to make Use of it for their own Safety and quiet for the future; that Delays might at this Juncture prove dangerous, Revolutions and Changes having often so unexpectedly come upon Governments, of which even this was once an Instance by Colonel *Fletcher;* and therefore they requested they might not be deferred, for the increasing the Number might properly be done by the Governor's Writs, and there could lie no Difficulty there.

But the Governor still pressing to the Representatives the Unreasonableness of such a Rupture upon the several Arguments aforesaid, and that there could not possibly be any Danger of deferring their Application for some Time, especially till they could find a Means to do it more honourably, and with less Blame from the Lower Counties, who would complain they were thrown off without Notice, or Warning; the whole was further discoursed, and at length concluded, that a free Conference between the Members of Council only and the said Representatives should be appointed, and accordingly it was appointed to be held that Evening; upon which the Representatives withdrew.

And the Board entering into Consideration what Heads would be chiefly necessary to be debated, and what Arguments used, it was

Resolved, That the Members of Council, who were to manage at the said Conference should propose, that whereas the Members of the Lower Counties in the last Assembly, when the Proprietary granted the said Charter, seem'd not to regard or accept of it, for which Reason it is most probable they had made no Election; and whereas some Persons of the said Counties since the Province had elected, have declared, that had Writs been sent to their Sheriffs as is usual, they would have elected together with the Province, to the End it

may not appear that the Province doth designedly throw off and separate themselves from the said Counties, without any Cause given on their Sides; it will therefore be highly for the Justification of the Province (should they proceed) as well as Justice to the said Counties, that they have an Opportunity of appearing given them, that Measures may be better concerted; and that should they refuse or neglect to send up Members, the Province will then be clear: And that from hence no Manner of Inconveniency can be imagined to ensue, for so small a Time as may be sufficient to issue Writs, appoint a Time of Election, and know their Resolutions. And further, that the Members of Council press with all Earnestness the Arguments that have before been used, and endeavour to convince them, that notwithstanding the Practices of some, who appearing their Friends, should impose upon them, and lead them to Confusion, the Governor and Council neither have, nor possibly can have, any other Scope in these Debates with them, than their truest and most real Advantage, all being embarked on the same Bottom; and then adjourned till Ten in the Morning.

At a Council held at Philadelphia *the* 16*th of* October, 1702.

PRESENT.

Andrew Hamilton, *Esq; Lieutenant-Governor.*

Edward Shippen,
John Guest,
Samuel Carpenter,
} Esquires.

Thomas Story,
Caleb Pusey,
James Logan, Secretary.
} Esquires.

THOSE Members of this Board who, according to the Order of Yesterday, had conferred with the Representatives concerning the Effects that might ensue upon a Separation, reported to the Governor, and the other Members of the Board, That in Pursuance of the said Order they had a Conference with the Representatives, who seemed willing further to deliberate upon what was proposed when all met together.

This Board entered further into the Consideration of what Measures could be taken to prevent a Separation; upon which having spent some Time, it was at length resolved, to leave the Whole till it should appear what the Representatives would propose or conclude on.

Post Meridiem.

A Message from the Representatives desired to know when they might be received to wait upon the Governor; to which Answer was given, that they might forthwith.

The Representatives elected to serve in Assembly for the Province appeared before the Governor and Council, and in Return to the Arguments used, and the proposals made to them by the Members of Council, *Joseph Growdon*, in the Name of the rest, declared.

"That having spent some further Time in Consideration of what had been proposed to them, the Representatives had come to this further Resolution, *viz.* That the Province and Territories having long acted in Conjunction, and the Charter which impowered them to separate being new, and not yet sufficiently proved, therefore they were of Opinion, and had resolved, that it would be safer to take some further Time to deliberate upon it, and thereupon did request the Governor that they might be adjourned for a Month, or the like Space, for an Opportunity to know the Minds of those that had chosen and sent them."

The Governor, with the Council, approved their Request; but desired to know, whether this was offered in Compliance with the Proposal made to them, *viz.* That there might be Time given for an Opportunity of calling the Lower Counties by Writs, to act in Conjuction with them. But, waving the Question, they replied, That what upon mature Consideration they had concluded on they had now delivered, and had not agreed to say any Thing further on that Head; that it was not proper for them to consult or direct what Methods were most advisable for the Governor in that Case to take.

They only had to request that they might have Liberty to defer their Sitting for a Month longer, or as the Governor should think fit, not much exceeding that Time; with which the Governor concurring, he was pleased to dismiss them *(to meet)* at *Philadelphia*, the Sixteenth of the *Ninth Month* ensuing. And thereupon it was ordered that Writs should be forthwith issued to the Sheriffs of the Three Lower Counties, to elect four Members for each County on the Second of the *Ninth Month* next, to meet at *Philadelphia* the sixteenth Day aforesaid; and by the Advice of the Board, a Form of a Writ was prepared, and then adjourned to the said Day.

At a Council held at Philadelphia November 16, 1702.

PRESENT.

Andrew Hamilton, *Esq; Lieutenant-Governor.*

Edward Shippen,		*Thomas Story,*	
Samuel Carpenter	Esquires.	Captain *Finney,*	Esquires.
William Clark,		*James Logan,* Sec'y,	

THE Governor informed the Board, That such of the Members of the Lower Counties, chosen in Pursuance of his Writs, as were come to Town, had made their Appearance before him this Afternoon; and that upon Discourse with them, they had given it as their Sentiments, that they could by no Means at this Time sit in Conjunction with the Representatives chosen by the Province, the said Representatives being chosen by Virture of a Charter, but they of the Lower Counties by Writs a considerable Time after; to which the Governor having answered, That this proceeded only from their Neglect of electing at the Time the Province had done, in Pursuance of the Charter of Privileges: They replied and insisted, that the said Charter was never received by the Members of the Lower Counties, and therefore they thought themselves no ways affected with it; that they not having received it, it could not be expected they would elect in Pursuance of what was of no Force among them; and that he had told them it was signed by *Joseph Growdon*, Speaker, by Order of the House, of which they being a Part, it was equally obligatory upon them as the rest; but they answered, That the Speaker signed that Charter at the Council Board, and therefore they were no House at that Time, nor could he sign it by their Order till such; moreover that those Members of the Lower Counties, who attended with them, withdrew at the Proposal of the said Charter, and therefore were not concerned with it.

The Governor added, That he had used many Arguments with them to shew their Mistakes, as to their first Objections of being called different Ways; but as to the other being Matter of Fact, he could say nothing to it more, than that he believed *Joseph Growdon*, the Speaker, could not be guilty of so ill a Thing, as to sign fully in the Name of the House what he had no Orders for.

All which being discoursed, it was at length resolved, That a Message should be sent to the Representatives met at *Samuel Perez's*, to desire their Attendance on the Governor; and, after some Delay, those of the Province appeared, but none of the Territories, of which the Governor enquired the Reason.

David Lloyd informed That when the two Representatives

were sent by them of the Province, to inform the Governor and Council that both those of the Province and Territories were ready, they were then met at *Samuel Perez's;* but when the Message came from the Governor they were withdrawn; that the said Representatives of the Province had sent two Members to those of the Territories, *viz. Griffith Jones*, and *John Swift*, to inform them that the Governor desired their Attendance, but that they being withdrawn sent this Answer.

"That they had since their Arrival in Town waited on the Governor, and also waited for his Commands for some Time in Company with those of the Province; but that they had now withdrawn to refresh themselves, and would To-morrow wait on the Governor if there were Occasion." Upon which those of the Province thinking themselves obliged to it, appeared without them.

Several Discourses concerning the said Message and Answer past, which held some considerable Time.

It was proposed, that seeing they were as yet in no Order, nor could be called a House, and their Discourses could not be of any Effect till otherwise regulated, the Governor would be pleased to adjourn them till To-morrow, to meet those of the Lower Counties at a convenient Hour.

David Lloyd objected against the Word *Adjourn*, for the Charter impowering them to sit and meet by their own Adjournments, they would betray their Trusts, should they admit of any other Adjournment; it was answered, they might when they were made a House; but as yet they could not, and therefore in such Cases in New-York, and the other Places, it was usual for the Governor to adjourn the Representatives when met, but not in a sufficient Number.

He added, That they know not what they would have to do with the said Members of the Lower Counties; they of the Province were met by Charter, and the other by Writs; that therefore, in his Opinion, they could not join; they had met a Month ago, and desired to be qualified, but were not yet to this Minute. *Griffith Jones* replied, that they were yet but a Part, and till they were a sufficient Number, they could neither be qualified nor act in any Case, with many other Arguments.

The Governor desired they should meet him To-morrow at Ten a Clock, and so they departed.

A Message was sent to the Members of the Lower Counties to desire that they would likewise attend on the Governor at the same Hour; Adjourned.

At a Council held at Philadelphia, November 17, 1702.

THE Representatives of both Province and Territories meeting according to Appointment, the Governor told them, That Yesterday not having an Opportunity to speak to them all together, he deferr'd it to this Day; and that perceiving the Lower County Members were of Opinion that they could not act, because elected by different Means (to which he had then answered) he this Morning recollecting his Thoughts, judged it necessary to give them his Reasons all together more fully, which he had put in Writing, and was read, to the same Effect with what he had discoursed to them.

Which having read, the Governor added, That those Reasons seemed weighty, and of Importance to him, and therefore desired they would all go together, and by conferring about what has been said or objected, endeavour to settle the Whole, and if possible come to an Agreement.

David Lloyd answered, it would be first necessary to know whether the Members of the Lower Counties would be willing to spend so much Time with them; if so, he supposed none of the Province would be against it; he further, with this, desired that they might have the Charter of Privileges, and a Writ.

Joseph Growdon or *Jasper Yeats* said, he was of Opinion they could not confer together as an Assembly, not being yet formed into One, to which the Governor agreed; but replied, they might confer as Representatives of the People.

David Lloyd, That doubtless in their present Circumstances they were a Convention.

Thomas Story, That they might act even as an Assembly in his Judgment.

To which *Robert French* answered, he thought they could by no Means; but Things looked, he added, as if they of the Lower Counties were called only for a more plausible Excuse to the Province to separate, but that he thought it would be no ways expedient; for as they had hitherto born the Burthen of the Day without any Profit to themselves, it was reasonable, if any Advantages were to be reaped for the future, they of the Lower Counties ought to be Sharers.

Some offering to continue the Discourse, it was moved, that the Governor having told them what he then had to say, it was proper to withdraw.

David Lloyd moved, That if some fit Persons of the Council would join with them in their Consultations, it might be of Service.

It being again moved by *Griffith Jones*, and others, That they should withdraw, the Governor left to themselves a Place

to sit in; in taking of which some small Time being spent, and the Charter and a Writ of Election returned from *Kent*, being delivered to *David Lloyd*, they withdrew.

The Council spent some Time in Discourse about the Occasions of an Assembly at present, and of an established Militia in general.

Ordered, That some Members of the Council, *Edward Shippen*, *Samuel Carpenter*, and *Thomas Story*, should join *(the Members of Assembly)* according to Request; and then adjourned to Three in the Afternoon.

At a Council held at Philadelphia, November 17, P. M. *Hora tertia.*

PRESENT.

The Honourable Andrew Hamilton, *Esq; Lieutenant-Governor.*

Edward Shippen,		*Thomas Story*,	
Samuel Carpenter,	Esquires.	*Caleb Pusey*,	Esquires.
William Clark,		*James Logan*,	

JOSEPH *Growdon*, *David Lloyd*, *Robert French*. and *Jasper Yeats*, by Order, and in the Name of the rest of the Representatives, appearing before the Governor and Council, *Joseph Growdon* spoke to this Effect: That the Assembly, by whose Order they appeared at this Board, having taken what had been discoursed and was proposed, into Consideration, they could not find the Way clear for them to proceed or act in Legislation together, because of the Objections that before have been started; that the Members of the Province were willing to proceed to Business, but those of the Lower Counties were of Opinion they could not join with them on the Foot they now were, without betraying their Privileges, and consenting to, now, what they had expressly before refused, *viz.* the Charter; however they had thought it would be requisite of the Governor, to inform them what he had to lay before them, that in case it should appear to be of great Moment and Importance, the Consideration of that might prompt them to find out some Means of Agreement, so far as to be in a Condition to answer it; for they hoped, that notwithstanding the State of Things appeared somewhat dark to them at present, yet they should not be wanting in Loyalty to the Queen, and Service to the Proprietary and Governor, in any Thing where Necessity exacted it of them, but would strain a Point, and over their Resentment join so far together, as to suffer nothing of that Kind to be neglected.

To which the Governor answered, That he had two Things

chiefly to lay before them: One was, the Commands of the Queen to him by my Lord *Cornbury*, in a Letter which he had received the last Post; which Letter he deliver'd to *Joseph Growdon*, to be read and communicated to the rest of the Members: The other, the naked and defenceless State of the Province, which lying open and exposed to the Attacks and Insults of the Enemy in this Time of War, both by Sea and by Land, would require a speedy Care, and that it might be taken into Consideration by what Means they might put themselves into the best Posture of Defence, for their own Preservation and Security; which two Heads he looked upon to be of that Importance as would require their most mature and deliberate Consideration, and therefore as such, was to recommend them to them; and further added, That the Brigantine *Messenger*, being now in the River from *England*, she might bring News, that would give them further Light in the present Affairs.

Upon which some Discourses, foreign to their express Message, arising, *David Lloyd* repeated the Substance of it, and moved, That having the Governor's Answer, they had nothing else to offer; and thereupon they withdrew, and the Council adjourn'd till To-morrow, at Nine in the Morning.

At a Council held at Philadelphia, November 18, 1702.

PRESENT.

The Honourable Andrew Hamilton, *Esq; Lieutenant-Governor.*

John Guest, *Samuel Carpenter*, *William Clark*, Esquires. *Thomas Story*, *Caleb Pusey*, *James Logan*, Secretary, Esquires.

THE Council met, and after several Discourses on the main Subject, adjourn'd till Three in the Afternoon, the Representatives not meeting this Forenoon.

What the Governor had last Night verbally discoursed to the Members, this Morning he more fully put in Writing, and sent to the Representatives by Judge *Guest*.

To the Representatives of the Province of Pennsylvania, *and Territories annexed.*

"WHAT I have chiefly, Gentlemen, to recommend to you, is the providing against what may annoy us by Land or by Sea.

"The greatest Danger we seem to be in by Land, is from the *French* and their *Indians* of *Canada;* and the likeliest

Method to prevent Harm from that Quarter, is to join with our Neighbours of *New-York*, in fortifying the Frontiers at *Albany*, and some out Passes near it, which the late King looked upon so necessary to be fortified, that he not only enjoined a Quota on the several Colonies in *North America* to assist in it, but largely contributed towards it himself; and which now my Lord *Cornbury*, Governor of *New-York*, calls for, as appears by his Letter now laid before you. No wise Enemy, as the *French* is, will adventure to run into the Heart of a Country, and leave Garrisons behind them, capable of cutting off their Retreat; and it will neither be safe nor reputable for this Government, to let the whole Burden lie upon *New-York*, seeing we are embarked with them in the same Bottom, and must fall under the like, if the Enemy should possess themselves of the Frontiers for want of timely Assistance. As assisting *New-York*, in making Fortifications in proper Places, is a likely Way to secure us from that Quarter, so there is also a Necessity of providing against Surprizes nearer Home, and Invasions by Sea; when we are known to be in a Posture of Defence, an Enemy will be wary how they attack us. The Means, under GOD, used in the other Colonies, is by Law to establish a Militia, which is also necessary to be by Law established in this Province and Territories; nor will (I hope) those of the Assembly, who profess themselves under a religious Tye not to bear Arms, be a Bar to others, who not only have a Freedom, but think it their Duty to put the Inhabitants in a Posture, under GOD, to protect themselves from an unlawful Force: The Golden Rule in this Case ought to be the Standard, for if those profess themselves under a Scruple to bear Arms, would think it a Hardship to be forced to it, so (I hope) they'll also think it one to invade the Principles of others, by disabling them to effect what they in Conscience ought to do, which is, to provide under GOD, for the Defence of the Inhabitants against the Insults of an Enemy."

Post Meridiem. Iidem qui antea.

Griffith Jones, and *Richard Halliwell*, by Order of the rest of the Representatives, attended this Board, desiring to know of the Governor, whether the Ship *Messenger*, that was mentioned Yesterday, and is now arrived, had brought any Advices concerning the Government, that were communicable to the said Representatives? If so, that according to the Governor's Proposal Yesterday, they might be imparted to them.

To which the Governor answered, She had brought none

to him, nor had he received one Line from *England*, all the Letters from the Proprietary being sent, as he was informed, by the Ship *Experiment*, that had failed ten Days before her: And thereupon they withdrew.

A Message from the Representatives, desiring to know when they might wait upon the Governor? To which Answer was made, forthwith, if they pleased.

The Body of Representatives attended the Governor, and *Joseph Growdon*, in Behalf of them all, said, They humbly craved Leave to inform the Governor, that they could find no Method to form themselves into an Assembly, the same Stops and Objections still lying in the Way, which they could by no Means get over.

To which the Governor replied, That by this Answer he was to understand, that they did not judge the Heads he had laid before them to be of any great Importance, seeing, Yesterday four of their chief Members, in the Name of the rest, had in a Message declared, that in case they could see the Affairs the Governor had to lay before them were of so much Weight or Exigency, they would strain a Point, and find out some Method to act together so far as to answer them.

They returned, That the Heads proposed were judged by them all to be of very great Importance, yet notwithstanding they could find no Means of Agreement so as to form an Assembly on the several Bottoms they were elected.

Some of the Province declared, That all those of the Upper Counties were willing to join with those of the Lower, and so proceed to Business.

Jasper Yeats, in Behalf of the Lower Counties, declared, That they were all extremely willing to enter upon the Consideration of the Heads proposed to them, and answer the Queen's and Governor's Desires, in case they could be all legally elected by Writs, but as Things now stand they could not; for should they act in Conjunction with those of the Province, it would necessarily imply their owning the Charter, which they by no Means could, the Writ (he said) by which they were chosen, being grounded on the said Charter; besides, that Affairs relating to them being upon the Anvil at Home (in *England*) they thought it would be better if they were deferred till it were seen how they should be settled there.

The Governor answered, He had discharged his Part to the utmost, and acted as became him; that they had several Times complained for want of being put in a Posture of De-

fence; that he had used his Endeavours, and if they would themselves be deficient, it must lie at their own Doors, and therefore hoped they would complain no more.——That as to what he mentioned of Things being on the Anvil at Home, he was of Opinion no Governor that should succed him would take it ill to see Provision made for the Defence of the Country before his Time, and that Necessity requiring their Care at present, it was now their incumbent Duty to consider it with Earnestness and Application.

The Members of the Lower Counties excused themselves, by declaring their Readiness at all Times to comply with the Queen's Commands, or whatever might be for the publick Good and Safely, and hoped they had, or might, upon Occasion, sufficiently make it appear.

The Governor still insisted, That Words of Profession would not suffice; that now they had an Opportunity of giving Proofs of what they profest, but to stave it off by Pretences that seemed to him as well as the Council altogether vain and groundless, was a bad Demonstration of what they had declared; and that it seemed playing with Business, first to promise they would even strain a Point, and find out some Method to proceed, if what was to be laid before them were of great Importance, and then confessing it was of the Highest; yet to lay it aside under Pretence of not agreeing, because of the several Methods they were called by. After which they were ordered to withdraw into the next Room till the Governor, with the Council, might have Time further to consider of it.

The Representatives accordingly withdrew, and the Board entering into Debate of what was fit to be done, but finding they should not have sufficient Time while the Representatives were attending, a Message was sent to inform them, that they should hear further from the Governor To-morrow, and that at present they might depart.

The Governor and Council entring further into the Consideration of what this Exigency required to be done, it was first resolved.

That the Representatives of both the Province and Territories were legally elected as far as appeared to this Board; those of the Province being duly elected by the Charter, and the Territories having omitted their Duty on the Day, were legally chosen by a Writ, and had appeared.

That those Writs being grounded on the Charter, and the People having elected by them, the Territories had in that

so far recognized the Charter, and might very well now proceed to Business as well as elect before.

That in case they will not by any Means agree to proceed, they should be prorogued for some convenient Time.

That Questions be proposed to them in Writing, to be answered positively under their Hands, whether they would act jointly or not? And then adjourned to Nine in the Morning.

At a Council held at Philadelphia, November 19, 1702.

PRESENT.

The Honourable Andrew Hamilton, *Esq; Lieutenant-Governor.*

Edward Shippen,
John Guest
Samuel Carpenter
} Esquires.
William Clark
Thomas Story
Caleb Pusey,
} Esquires.

James Logan, Secretary.

THE Council being met, entered further into the Consideration of the Answers given last Night by the Members of both Province and Territories, and of their own Resolution of sending certain Questions to be answered in Writing.

Ordered, That the following three Questions be sent in these Words, *viz.*

The Representatives for the Province and Territories of *Pennsylvania*, now convened, are desired by the Governor and Council, to answer the following Questions under their Hands, as they severally relate to them.

1. Are the Representatives of the Province willing or not to join with the Members of the Lower Counties in one Assembly on the Foot they are now respectively called?

2. Are the Members of the Lower Counties willing or not willing to join with those of the Province on the Foot they are now respectively called?

3. What Methods do those that refuse (if either do) propose for the forming of an Assembly, to prevent the Government's suffering for want of One, when Affairs of such Importance as have been proposed require their immediate Service?

Which Questions were sent accordingly.

A Message from the Representatives, returned the foregoing Questions, desiring they might be sent on distinct Papers, and signed as the Council usually sign Things issued by their Order.

Ordered, thereupon, that the Questions be drawn out accordingly on several Papers, and signed by the Secretary, as Clerk of the Council, by their Orders, as has been usual: which was accordingly done, and sent in three several Papers: And then adjourned till Three in the Afternoon.

Hora tertia. Present, *Iidem qui antea.*

The Representatives of both Province and Territories, after some considerable Stay, at length, by a Message, desired to know of the Governor and Council, when they might attend? To which Answer was made, forthwith, if they were ready.

Accordingly they came, and *Joseph Growdon*, in the Name of the rest, acquainted the Governor, That they had the Questions sent to them by Order of Council, and having maturely considered them, they of the Province, and those of the Territories distinctly, they had severally drawn up their Answers in Writing, which they gave in; and that of the Province was first read in these Words:

WE *the Representatives of the Freemen of the Province of* Pennsylvania, *are both willing and desirous to proceed in order to act in Assembly, according to the Directions of the Charter, being the Foot on which we conceive ourselves called and convened. Witness our Hands, the Day and Year first above written.*

Andrew Job,	David Lloyd,	Griffith Jones,
Nicholas Pile,	Anthony Morris,	John Swift,
John Worral,	Jeremiah Langhorne,	William Paxton,
John Bennet,	Joseph Growdon,	

Those of the Lower Counties also presented theirs in the following Words, *viz.*

Philadelphia, November 19, 1702.

The ANSWER to two Propositions sent to the Members of the Three Lower Counties, by Order of the Governor and Council.

THE *said Members finding they are called here on a different Foot with those of the Upper Counties, cannot, if there was no other Obstacle, join with them in Legislation; but are cheerful and willing, when warrantably convened, to proceed in Assembly, to answer her Majesty's Commands, and such other Matters of Importance as shall then be laid before them;*

tho' they'll not presume to direct the Governor in what Methods to convene them, they supposing it not their Business, but that of those who rule over them.

Signed,

Robert French,	Evan Jones,	John Hill,
Richard Halliwell,	Thomas Sharp,	Joseph Booth,
Jasper Yeats,	John Foster,	

Both which being severally read, the Governor answered to that of the Province, That their Answer eluded the Intent of the Question, which was laid, in positive Words, to obtain the like Answer, instead of which they had returned one wholly ambiguous; and therefore desired them to explain, whether they meant by these Words *(That they were both willing and desirous to proceed, in order to act in Assembly, according to the Direction of the Charter.)*

That they were willing now to proceed in Conjunction with the Lower Counties as called, or that they were desirous, according to Charter, to have more Members added. To which some of the Members answered, they intended by it, That they were willing now to proceed on the Foot they were now chosen with the Lower Counties. *David Lloyd* insisted that they had given their Answer agreed on. The Governor continued to require their Intentions severally; to which *Anthony Morris* answered, That it is expressly his Meaning to proceed forthwith in Conjunction with the Lower Counties on the Foot they were now chosen, which he understood to be Charter, that he took to be the Meaning of their Answer, and of all those who signed it; and repeating this several Times over, desired, that if any other Member had any Thing to object against this, he prest that they might speak. *David Lloyd* continued to interpose that the Question might be no further urged, affirming their Answer was plain and clear, tho' the Question was double and ambiguous.

The Governor still insisted that they might severally and expressly declare their Meaning; but those of the Lower Counties and *David Lloyd* opposed, still requesting the Question might be no further put; upon which they were licenced to withdraw, and desired to wait on the Governor To-morrow at Ten of the Clock, at which Time they should have their full Answer. Till then the Council adjourned.

At a Council held at Philadelphia, November 20, 1702.

PRESENT

The same as before.

THE Governor and Council entring into Consideration what was fit to be done, and the present Circumstances of Things relating to this Government being duly weigh'd, it was resolved to be at this Juncture most expedient to dismiss the Members both of Upper and Lower Counties, till Time might offer some Occasion by Advice from *England*, or otherwise faciliate or necessitate their better Agreement, or finally to divide them.

Whereupon a Message was ordered, to know if they had met, and desired their Attendance on the Governor; and being come, they were asked, if they had any Thing to add to their Answers given in last Night in Writing, to which they answered, they had not. Then the Governor addressed himself to them to this Effect:

"Seeing neither the Importance and Weight of what had been laid before them, first verbally, and after by a Message more fully in Writing, nor the ill Consequence of a Separation, could prevail with the Members of the Lower Counties to proceed at this Time with those of the Province in Legislation; which Separation must needs ensue, or the Province be left in a very ill State, if the Members of the Counties continue to insist on the same Objections as now, and pretend other Obstacles. And seeing the Members of the Province were not a sufficient Number to act, the Governor was unwilling to spend their Time any further to no Purpose; and therefore, with Advice of Council, thought fit to dismiss them, and accordingly they were thereby dismissed;" And the Council adjourned of Course.

Memorandum, In the Afternoon all the Members of the Province waited on the Governor, and by an Address under all their Hands and Seals, desired, that according to Charter, they might be enabled to hold an Assembly by the Addition of more Members for each County, and Two for *Philadelphia* City.—— *Memorandum* also, That all the said Members (*Joseph Growdon*, and *David Lloyd* excepted) declared, one by one, their Intention was to proceed immediately. The Address was in these Words.

To ANDREW HAMILTON, Esq; Deputy-Governor of the Province of *Pennsylvania, &c.*

The Humble ADDRESS and REQUEST of the Representatives of the Freemen of the respective Counties of *Philadelphia*, *Bucks*, and *Chester*, elected to serve in ASSEMBLY for the said Province.

In all humble Manner shew,

THAT WILLIAM PENN, *Proprietary and Governor of the said Province, &c, by his Grant or Charter, under his Hand and Broad Seal, bearing Date the 28th Day of October, in the Year* 1701, *did grant unto the Inhabitants, Freeholders, and others of this Province and Territories, divers Immunities, Rights and Privileges, for the Well-being, good Government and Benefit thereof; in and by which Charter, the said Proprietary did (among other Things) declare, that if the Representatives of the Province and Territories should not hereafter agree to join in Legislation, and that the same should be signified to the said Proprietary or his Deputy in open Assembly or otherwise, from under the Hands and Seals of the Representatives (for the Time being) of the Province or Territories, or the major Part of either of them, at any Time within three Years from the Date of the said Charter; that in such Case the Inhabitants of each of the Three Counties of this Province should not have less than eight Persons to represent them in Assembly for the Province, and the Inhabitants of each County in the Territories should have as many Persons to represent them in a distinct Assembly for the Territories as should be requested by them as aforesaid, as by the same Charter, Relation being thereunto had, may more fully appear.*

Now forasmuch as the Freeholders of the Three Counties of this Province, viz. Philadelphia, Bucks *and* Chester, *according to the Direction of the said Charter, having in their several Counties met on the first Day of* October *last, and by Majority of Votes elected us whose Names are subscribed to be their Representatives in Assembly, as by the Returns of the respective Sheriffs may appear; and we making our personal Appearance here at* Philadelphia *on the fourteenth Day of the same Month, according to Charter, to attend the Governor in Legislation, and to do and perform our Duty and Service in Assembly.*

And the Secretary in Council then declared, That no Representatives were returned to serve in this Assembly for the Territories, to wit, *the Counties of* Newcastle, Kent, *and* Sussex, *which manifestly proved their Disagreement to, and Non-acceptance of, the said Charter.*

Nevertheless, it pleased the Governor and Council to indulge

them so far as to issue forth Writs, impowering them (notwithstanding their said Omission or Neglect) to chuse their Representatives to serve in this Assembly; and most of us then agreed to meet here on the Sixteenth of November instant, in order to receive them, and proceed to Business.

In Pursuance of which Writs, it seems the said Inhabitants have elected and sent up their Delegates, who, after several Debates and Conferences about their and our joint acting in Assembly, they were pleased to express their Unwillingness thereunto; And further declared their Dislike of the said Charter, and refused to agree to join together with us in Legislation by Virtue thereof, which lays a Necessity upon us, humbly to signify the same under our Hands and Seals, earnestly requesting, that thou wilt be pleased, either by Writ, or otherwise, to cause our Number to be compleat as the said Charter directs; that is to say, *for each County of this Province four more Members, and Two for the Town of* Philadelphia *(now incorporated) addeduntous, whereby we may be enabled, with as much Expedition as may be, considering our present Circumstances and Emergency of Affairs, to act in Legislation, &c. and to prevent the great Inconveniency that we conceive will attend the Province by being not in a present Posture to answer the Exigences of Government, in Form of an Assembly, desiring that the Number of nine Members may be made up to represent the County of* Bucks, *and as many for the County of* Chester.

Joseph Growdon,	David Lloyd,	Nicholas Pile,
John Swift,	Anthony Morris,	Andrew Job,
William Paxton,	Samuel Richardson,	John Bennett,
Jeremiah Langhorne,	Griffith Jones,	John Worrall.

I sign with Exception against the additional Member more than Eight for *Bucks* and *Chester* Counties, *Griffith Jones.*

At a Council held at Philadelphia, October 15, 1703, *A. M.*

PRESENT

Edward Shippen, Thomas Story, Griffith Owen, } Esquires. Samuel Finney, John Blunston. } Esquires.

EDWARD *Shippen*, President, informed the Board, That Yesterday being the Fourteenth of *October*, the Day appointed by Charter for the Assembly of this Province to meet at *Philadelphia*, the greatest Part of the said Members had met with himself and two more Members of Council, but there was

not a full Quorum, and therefore could not take any due Cognizance of their Appearance; that the Sheriffs of *Philadelphia* and *Bucks* had made their Returns, but the Sheriff of *Chester* had neglected his Duty; that thereupon he had sent the Messenger of the Council Express for him, with Orders to summon *John Blunston*, and *Caleb Pusey*, Esquires, to attend at Council; and that in Pursuance of the said Message the said Sheriff was come to Town; and presented also his Return, and was now waiting further Orders.

Ordered, That *John Hoskins*, Sheriff of the County of *Chester*, be called, to answer to this Board for his Failure in making a Return of the Representatives chosen for that County.

According the said Sheriff appeared, and being duly reprehended for his Fault, he acknowledged his Neglect, but as it arose not from any Contempt, he craved their Excuse; whereupon he was ordered to pay the Messenger, and was discharged.

A Message from the Representatives of the Freemen of this Province was brought, requesting to know when they might be admitted to present themselves to the Council? To which Answer was given, they might in Half an Hour.

Within the said Time Two and Twenty of the said Representatives presented themselves, and being called over according to the respective Returns of the Sheriffs, there appeared for *Philadelphia* County, seven Members; for *Bucks*, six; for *Chester*, seven; and for the City of *Philadelphia*, two; who requested that they might be admitted to take the usual Qulifications, in order to proceed to Business.

The Council first observing, that there were eight Members returned by the respective Sheriffs of each County, craved to know upon what Foot such a Number is returned this Year seeing there were no more than four represented last Year.

Some of the Representatives answer'd, That upon the Application of Members elected for the Province last Year made to the deceased Governor *Hamilton*, in Pursuance of the Proprietary's Charter, the Province hath now a Right to choose so many, together with the said two for the City of *Philadelphia*, of which Application the Council could not be ignorant.

It was answered, That the Application having been made to the Governor alone, and not in Council, and the Governor soon after dying, they could not be regularly acquainted therewith; but the Secretary being called on for the said Instru-

ment, it was produced, and allowed to have been sufficient, and is satisfactory.

The said Representatives then craved they might have the usual Qualifications administred: To which the Council answer'd, That the Governor being deceased, and the Government now devolved on them for the present, not by an Intention, but through an Exigency, they could not think the present Constitution sufficiently qualified for Legislation; notwithstanding it was sufficient, till further Provision could be made, for the Administration of Justice, and the necessary Support of the Government.

The Representatives replied, That as they were duly elected by the People in Pursuance of their Charter, so they thought themselves obliged to consider for what End they were chosen; but it was impossible to do this, until they came under the usual and necessary Qualifications; that moreover they thought it an indispensable Necessity incumbent on them for the Publick Safety and common Welfare, to put themselves, as far as possibly they could, into a Condition to be ready at least for Legislation, and to answer the End of Government; and therefore craved the said Qualifications.

Resolved, at length, That further Time should be taken to consider of their Request; and thereupon the said Representatives withdrawing, it was resolved,

That considering the great Importunity of the said Representatives, and that they would by no Means be satisfied to return Home without a sufficient Qualification, to meet any Governor that might come over or be commissioned here within the Year, the said Qualifications should be administred as desired; and then adjourn'd to Three in the Afternoon.

Post Meridiem.

Hora tertia, Iidem qui antea.

The Representatives appearing according to Appointment, in a full Body, *Thomas Story*, by Order of the Council, speaking to them, said, That notwithstanding the Council for several Reasons could not think it proper for them to concur or proceed to Legislation, and therefore they ought not to do any Thing tending that Way; yet considering the earnest Desire they had expressed to take the Qualifications, the Council had agreed they should be administred to them as desired, but withal, that they should not interpret this as any Design in the Council to concur with them any further. To which it was answered, That they hoped the Council would

not capitulate with them, they were not now in a Condition to treat with the Board as a House, but when qualified they should be enabled, and would proceed, they hoped, to the best of their Abilities, for the Good of the Publick, and a just Discharge of their Duty, without any Clashing or Opposition: And thereupon *Nicholas Waln, Samuel Richardson, Isaac Norris, David Lloyd, Anthony Morris*, junior, *Samuel Cart, Joseph Wilcox, Charles Read, William Biles, Tobias Dimmock, Richard Hough, William Paxon, Joshua Hoopes, Thomas Stevenson, Nicholas Pile, John Bennet, Andrew Job, David Lewis, Nathaniel Newlin, Joseph Baker*, and *Robert Carter*, took and subscribed their Attestations in the Words of what is required by the Oaths enjoined by the Law of *England*, in Lieu of the Oath of Allegiance, and then departed, in order to choose a Speaker, *Griffith Jones* refusing to sign with the others.

And returning, *David Lloyd*, at the Head of the whole Body of Representatives, was presented to the Board, and informed the Council, That the House were pleased to make Choice of him, who, tho' he must acknowledge himself too meanly qualified for the Place, yet as they had thought fit to lay that Charge upon him, he must think himself obliged to serve them to the best of his Ability. And then desiring to know to what Time the Council would adjourn? to which Answer was made, to Ten in the Morning; they withdrew, and the Council adjourned accordingly.

At a Council held at Philadelphia, October 16, 1703.

PRESENT.

Edward Shippen, *John Guest,* *Thomas Story,*	Esquires.	*Griffith Owen,* *Samuel Finney,* *John Blunston,*	Esquires.

TWO Members from the Assembly, presented *Jeremiah Langhorne* to the Board, to take the usual Qualifications, in order to be admitted to their House, and accordingly he took and subscribed the same Qualifications the others had done. The said Members also craved that the Assembly might be favoured with a List of the Members returned by the respective Sheriffs, or with the Returns themselves, which the Secretary was ordered to deliver to them, and accordingly they were delivered: And then they informed, that the whole House of Representatives desired to attend the Council, with was agreed to by the Council.

The Body of Representatives accordingly came, and the

Speaker acquainted the Board, That the Member of their House *(viz. Griffith Jones) who* had Yesterday declined to subscribe the Attestations for their Qualifications together with the other Members, upon a full Debate of that Matter, was now willing to take and subscribe what was enjoined by their Charter and the Law of this Government *(viz)* Allegiance to the King, Fidelity to the Proprietary, and Obedience to the Laws of this Government; which notwithstanding the other Members had exceeded it in what they had done, yet they thought it was all that could be required of them, and therefore proposed to the Board to consider whether it might not be sufficient.

He also, in the Name of the House, desired that they might have a Conference with the Board, either by a whole Committee, or a particular One, in order to debate the Power and Capacity of the Council to join with them in the proper Affairs of an Assembly. Upon which it was resolved, That an Answer should be sent them, and they withdrew.

Resolved, Upon a due Consideration of the first Proposal offered by the Speaker of the Assembly, That as Allegiance to the Crown was required, so the Law of *England* was the most proper to direct them how that Allegiance should be declared. And as the rest of the Members had acted in Pursuance of the said Law, so the said Member ought not to be admitted on any Terms short of what the rest had been: And to the latter, that the whole Council would hold a Conference with the whole House in the Council Chamber, at Two in the Afternoon; and a Messenger was sent to inform the House accordingly; and then adjourn'd to the said Hour.

Post Meridiem.

Iidem qui antea (Captain *Finney* excepted)

The House of Representatives, according to Appointment, presented themselves in a Grand Committee, in order to confer with the Council, concerning the present Condition of the Government, and the Powers of the Council, to proceed in Legislation; in which some Time being spent in consideration of the Powers of the Proprietary's Commission to the present Council, and the whole debated; the Council declaring, That notwithstanding they were fully satisfied of their Power in Government, and the Administration of Justice, yet they could not believe it extended to Legislation, either from the Language of the Commission itself, or from the Practice of other Governments. The Assembly pressed the Necessity of pro-

ceeding to Business, for redress of Grievance, and considering other Matters, which might not require, perhaps, any positive Laws; but not being able to come to any certain Conclusion, the Representatives departed.

At a Council held at Philadelphia, October 18, 1703.

PRESENT,

Edward Shippen, *John Guest*, *Thomas Story*, Esquires. *Griffith Owen*, *Caleb Pusey*, *John Blunston*, Esquires.

A MESSAGE of three Members from the Assembly, together with the recusant Member, *Griffith Jones*, applying to the Board, acquainted the Council, That they were commanded by the House to request this Board, that they would admit the said *Griffith Jones* to be qualified, upon his promising Allegiance to the Crown, and Fidelity to the Government, being the whole that is enjoined (they say) by the Proprietary's Charter, and the Laws of this Province, to which it refers; all beyond that being, in their Judgment, an Imposition upon their Privileges.

To which the President answered, That Allegiance to the Crown being required, the Council must answer as before, that the Law of *England*, seeing it carried no Hardship with it, was the fittest to prescribe the Method of taking that Allegiance, our own Laws not mentioning it; and that the Council having come to a Resolution in this Head before, could give no other Answer; upon which they withdrew.

Rowland Ellis, and *Joseph Growdon*, elected Members for this present Assembly, being come up from their respective Counties, were introduced by two other Members, and desired to take and subscribe the usual Qualifications, which accordingly they did; and then the Council adjourned to Ten in the Morning.

At a Council held at Philadelphia, *the* 20*th* of October, 1703, A. M.

PRESENT,

EDWARD SHIPPEN, Esq; President.

John Guest, *Thomas Story*, Esquires. *Samuel Finney*, *Caleb Pusey*, Esquires.

FOUR Members from the Assembly came in a Message to

this Board, requesting, by Orders of the House, That the Council would communicate to them, the Instrument signed and sealed at *Newcastle*, and delivered to Governor *Hamilton* by the Proprietary, for passing the Charter of Property, then prepared for Execution, and what else has been sent from the Proprietary relating to the same.

The Board told them, they would consider of it, and send their Answer,

And the said papers being enquired for, and produced by the Secretary, it was ordered that a Copy of each should be forthwith drawn, and certified by the Secretary, to be sent to them; which was accordingly done, and it was ordered they should be sent accordingly.

A Message by two Members from the Assembly, informed the Council, by Order from their House, That they were waiting for the Council's Answer; and therefore craved them to please to send it.

Upon which the said Copies were delivered to these Members, with an Order from the Board, desiring the Attendance of the whole House forthwith.

After some Time *Joseph Growdon*, *Isaac Norris*, *Joseph Wilcox*, *Nicholas Walne*, and *Samuel Richardson*, by Order of the House, presented themselves to the Board, informing, that the Assembly being now near a Close for this Juncture, and employed about finishing their Minutes, could not conveniently attend in a Body, and therefore had appointed them to treat with the Council upon such Subjects as the Council desired the Attendance of the House.

The President informed them, the Council had come to a Resolution, that Time being so far spent, and some of the Members of this Board obliged to depart, they were willing to confer with them concerning the Time at which they would think it most proper to meet again.

The Representatives said, That seeing the Council appeared unwilling to proceed to Business, the House had come to a Resolution to adjourn to the first of the *Third Month* next.

The President desired to know what they meant by adjourning for so long a Time, or what Power they claimed so to do. They answered, That by the Language of the Charter they understood it was their Right to sit wholly on their own Adjournments during the whole Year. This the Council could not allow of, the Words of the Charter not importing it, nor the Practice of *England*, or any other Government, giving any Precedent for it; and some Time being spent in debating it, the Representatives withdrew without coming to any further

Conclusion. Upon which it was unanimously agreed on, that the Council should prorogue the Assembly forthwith; and in order thereunto, the Secretary was sent in the Name of the Council to require the Attendance of the whole House immediately.

The Secretary returning informed, That the House was broke up, and had adjourned to Four in the Afternoon, as he was informed by the Speaker; upon which the Council also adjourned to the said Hour, having first signed a Replevin, with an *Alias* and a *Pluries*, as Yesterday ordered.

Post Meridiem.
Present, *Idem qui antea.*

Two Members from the Assembly appeared, and declared to this Board, That by Order of the House, they were to inform the Council that the Assembly had adjourned themselves to the first Day of the *Third Month* next, unless the Council should have Occasion to call them before that Time. Upon which the President informed the said Members, That the Council had prorogued the Assembly to the said first Day of the *Third Month*, and desired the said Members to acquaint the House of the same; and accordingly the Assembly is hereby prorogued to the said first Day of the *Third Month* next ensuing.

At a Council held at Philadelphia, April 10, 1704.

PRESENT,

John Evans, *Esq; Lieutenant-Governor.*

Edward Shippen,		*Jasper Yeats,*	
Griffith Owen,	Esquires.	*William Trent,*	Esquires.
Caleb Pusey,		*James Logan,*	

THIS being the Day appointed for the Representatives of both the Province and Territories, chosen for Assembly, to meet the Governor at *Philadelphia*, three Members of those of the Province being admitted, acquainted the Governor by a Message from the House, That as many of them as were come to Town were met, and desired to know what Commands the Governor had to lay before them.

The Governor enquiring how many of their Number were together; was informed there were Twenty-two, and four wanting.

The Governor desired them to withdraw, and they should have an Answer: And it being considered, that the Design now in Hand being to propose a Union between the Upper and Lower Counties, and those of the County of *Sussex* not

being yet come to Town, 'tis concluded to defer meeting the said Representatives till Morning.

And the said Members being called, were informed accordingly.

The same Members also presented two other Members of the Province who had not been qualified before, that they might take and subscribe the same Declaration that the others had done;

Which was also deferred till Morning.

A Message was sent to the Representatives of *Newcastle* and *Kent*, being met together, to acquaint them the Governor and Council were sitting, and desired their Attendance.

And being come, the Governor desired they would meet him To-morrow at the same Hour (*viz* Ten) with those of the Upper Counties.

At a Council held at Philadelphia, April 11, 1704, *Hora undecima.*

PRESENT,

John Evans, *Esq; Lieutenant-Governor.*

Edward Shippen,		*Jasper Yeats,*	
Samuel Carpenter,		*Richard Hill,*	
Griffith Owen,	Esquires.	*William Trent,*	Esquires.
Samuel Finney,		*James Logan,*	
Caleb Pusey			

THE Council met, and adjourned to *Joseph Shippen's* House at Four in the Afternoon, at which Time and Place it was appointed to meet the Representatives both of Province and Territories.

Post Meridiem.

Hora quarta, Iidem qui antea.

Griffith Jones, and *Joseph Wood*, being introduced by two other Members of the Province, took and subscribed the same Declaration that the other Representatives did in *October* last.

The same Members desiring to know when the Representatives of the Province might attend the Governor, were answered forthwith.

And the House of Representatives having, in the Morning, desired that the above-mentioned Declaration might be communicated to them, which was done; they return'd it to the Board, desiring, in the Name of the House, that they might have a Copy thereof certified by the Secretary; which was granted.

The Representatives of the Province, with their Speaker at their Head, presented themselves before the Governor, and

Council; and those of *Newcastle* and *Kent*, who alone were come up, being called into the Chamber, the Speaker represented, That he had in Command from the House to address the Governor and Council, and desired that in order to it they might be by themselves in the Chamber without any Mixture of other Members than their own and the Council; upon which those of the Lower Counties withdrawing, the Speaker said.

That in Behalf of the Representatives of the Freeholders of this Province, he was to acquaint the Governor, That they were formerly chosen in Pursuance of the Proprietary's Charter to the People, and had met, and were adjourned to the first of the Third Month *next, unless the Governor of this Province had Occasion to meet them sooner.*

That since his Arrival he had been pleased to issue his Summons, and appoint them to meet at this Time; and that they were extremely glad of the Opportunity of paying their Respects and Duty (as a House) to the Governor and Council; that what Commands the Governor might have in Charge, either from the Crown or Proprietary to lay before them, they were ready and desirous to take them into Consideration, and hoped they should discharge their Duties therein with all due Respects and Dispatch as the Matter should require; that it was some Surprize to them to find any other Persons in the Room besides this Board, believing they had no Business at this Time to meet with any other.

The Governor told them, "He was willing, before they proceeded to any Business, to give them his Sentiments in general of what Methods would be most proper for them to take, and that it would be most suitable for those of the Upper and Lower Counties to be together."

The Speaker insisted upon it, *That they of the Province were a House of themselves, and it might, they feared, infringe their Privileges to admit any other; that this was all he had in Charge, and could proceed no further.*

It was moved at length, That they might withdraw to their House, and there consider of what the Governor had said, and give their Answer; and accordingly they withdrew.

Two Members from the House desired to know, whether the Governor and Council would sit long enough this Evening to receive their Answer?

They were answered, It was now late, and therefore the Council would adjourn till To-morrow at Nine in the Morning at the same Place.

End *of the* Appendix.

VOTES and PROCEEDINGS

OF THE

HOUSE OF REPRESENTATIVES

OF THE

PROVINCE OF PENNSYLVANIA

Dec. 4, 1682-June 11, 1707

Volume 1, with

Preface and Appendix

PART THE SECOND

-: PHILADELPHIA :-

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~ MDCCLII ~

The CHARTER of PRIVILEGES *granted by* WILLIAM PENN, *Esq; to the Inhabitants of* Pennsylvania *and Territories.*

WILLIAM PENN, Proprietary and Governor of the Province of *Pennsylvania*, and Territories thereunto belonging. To all to whom these Presents shall come sendeth Greeting. WHEREAS King CHARLES the Second, by his Letters Patents, under the Great Seal of *England*, bearing Date the fourth Day of *March*, in the Year *One Thousand Six Hundred* and *Eighty*, was graciously pleased to give and grant unto me, and my Heirs and Assigns for ever, this Province of *Pennsylvania*, with divers great Powers and Jurisdiction for the well Government thereof.

AND WHEREAS the King's dearest Brother, JAMES Duke of *York* and *Albany*, *&c.* by his Deeds of Feoffment, under his Hand and Seal, duly perfected, bearing Date the Twenty-fourth Day of *August*, *One Thousand Six Hundred Eighty* and *Two*, did grant unto me, my Heirs and Assigns, all that Tract of Land, now called the Territories of *Pennsylvania*, together with Powers and Jurisdictions for the good Government thereof.

AND WHEREAS for the Encouragement of all the Freemen and Planters, that might be concerned in the said Province and Territories, and for the good Government thereof, I the said *William Penn*, in the Year *One Thousand Six Hundred Eighty* and *Three*, for me, my Heirs and Assigns, did grant and confirm unto all the Freemen, Planters and Adventurers therein, divers Liberties, Franchises and Properties, as by the said Grant, intituled, *The* FRAME *of the Government of the Province of* Pennsylvania, *and Territories thereunto belonging*, in *America*, may appear; which Charter or Frame being found in some Parts of it, not so suitable to the present Circumstances of the Inhabitants, was in *The Third Month* in the *Year One Thousand Seven Hundred* delivered up to me, by six Parts of Seven of the Freemen of this Province and Territories, in General Assembly met, Provision being made in the said Charter, for that End and Purpose.

AND WHEREAS I was then pleased to promise, That I would restore the said Charter to them again, with necessary Alterations, or in Lieu thereof, give them another, better adapted to answer the present Circumstances and Conditions

of the said Inhabitants, which they have now, by their Representatives in General Assembly met at *Philadelphia*, requested me to grant.

KNOW YE THEREFORE, That for the further Well-being and good Government of the said Province, and Territories; and in Pursuance of the Rights and Powers before-mentioned, I the said *William Penn* do declare, grant and confirm, unto all the Freemen, Planters, and Adventurers, and other Inhabitants in this Province and Territories, these following Liberties, Franchises and Privileges, so far as in me lieth, to be held, enjoyed, and kept, by the Freemen, Planters and Adventurers, and other Inhabitants of and in the said Province, and Territories thereunto annexed for ever.

First,

BECAUSE no People can be truly happy tho' under the greatest Enjoyment of civil Liberties, if abridged of the Freedom of their Consciences, as to their religious Profession and Worship; And Almighty God being the only Lord of Conscience, Father of Lights and Spirits; and the Author as well as Object of all Divine Knowledge, Faith and Worship, who only doth enlighten the Minds, and persuade and convince the Understandings of People, I do hereby grant and declare, That no Person or Persons, inhabiting in this Province or Territories, who shall confess and acknowledge One Almighty God, the Creator, Upholder and Ruler of the World; and profess him, or themselves, obliged to live quietly under the civil Government, shall be in any Case molested or prejudiced, in his or their Person or Estate, because of his or their conscientious Perswasion or Practice, nor be compelled to frequent or maintain any religious Worship, Place or Ministry, contrary to his or their Mind, or to do or suffer any other Act or Thing, contrary to their religious Perswasion.

AND that all Persons who also profess to believe in *Jesus Christ*, the Saviour of the World, shall be capable (notwithstanding their other Perswasions and Practices in Point of Conscience and Religion) to serve this Government in any Capacity, both legislatively and executively, he or they solemnly promising, when lawfully required, Allegience to the King as Sovereign, and Fidelity to the Proprietary and Governor, and taking the Attests as now established by the Law made at *Newcastle*, in the Year *One Thousand* and *Seven Hundred*, intituled, *An Act directing the Attests of several Officers and Ministers, as now amended and confirmed this present Assembly.*

II.

FOR the well governing of this Province and Territories, there shall be an Assembly yearly chosen by the Freemen thereof, to consist of four Persons out of each County, of most Note for Virtue, Wisdom and Ability (or of a greater Number at any Time, as the Governor and Assembly shall agree) upon the first Day of *October* for ever; and shall sit on the fourteenth Day of the same Month at *Philadelphia*, unles the Governor and Council for the Time being, shall see Cause to appoint another Place within the said Province or Territories: Which Assembly shall have Power to chuse a Speaker and other their Officers; and shall be Judges of the Qualifications and Elections of their own Members; sit upon their own Adjournments; appoint Committees; prepare Bills, in order to pass into Laws; impeach Criminals, and redress Grievances; and shall have all other Powers and Privileges of an Assembly, according to the Rights of the Freeborn Subjects of *England*, and as is usual in any of the King's Plantations in *America*.

AND if any County or Counties, shall refuse or neglect to chuse their respective Representatives as aforesaid, or if chosen, do not meet to serve in Assembly, those who are so chosen and met, shall have the full Power of an Assembly, in as ample Manner as if all the Representatives had been chosen and met, provided they are not less than Two Thirds of the whole Number that ought to meet.

AND that the Qualifications of Electors and Elected, and all other Matters and Things relating to Elections of Representatives to serve in Assemblies, tho' not herein particularly expressed, shall be and remain as by a Law of this Government, made at *Newcastle* in the Year *One Thousand Seven Hundred*, intituled, *An Act to ascertain the Number of Members of Assembly, and to regulate the Elections.*

III.

THAT the Freemen in each respective County, at the Time and Place of meeting for electing their Representatives to serve in Assembly, may, as often as there shall be Occasion, chuse a double Number of Persons to present to the Governor for Sheriffs and Coroners, to serve for three Years, if so long they behave themselves well; out of which respective Elections and Presentments, the Governor shall nominate and commissionate one for each of the said Officers, the third Day after such Presentment, or else the first named in such

Presentment, for each Office as aforesaid, shall stand and serve in that Office for the Time before respectively limited; and in Case of Death or Default, such Vacancies shall be supplied by the Governor to serve to the End of the said Term.

PROVIDED ALWAYS, That if the said Freemen shall, at any Time, neglect or decline to chuse a Person or Persons for either or both the aforesaid Offices, then and in such Case, the Persons that are or shall be in the respective Office of Sheriffs or Coroners, at the Time of Election, shall remain therein, until they shall be removed by another Election as aforesaid.

AND that the Justices of the respective Counties, shall or may nominate and present to the Governor three Persons, to serve for Clerk of the Peace for the said County when there is a Vacancy, one of which the Governor shall commissionate within ten Days after such Presentment, or else the first nominated, shall serve in the said Office during good Behaviour.

IV.

THAT the Laws of this Government shall be in this Stile, *viz. By the Governor, with the Consent and Approbation of the Freemen in General Assembly met;* and shall be, after Confirmation by the Governor, forthwith recorded in the Rolls Office, and kept at *Philadelphia*, unless the Governor and Assembly shall agree to appoint another Place.

V.

THAT all Criminals shall have the same Privileges of Witnesses and Council as their Prosecutors.

VI.

THAT no Person or Persons shall, or may, at any Time hereafter, be obliged to answer any Complaint, Matter or Thing, whatsoever relating to Property, before the Governor and Council, or in any other Place, but in ordinary Course of Justice, unless Appeals thereunto shall be hereafter by Law appointed.

VII.

THAT no Person within this Government shall be licensed by the Governor to keep an Ordinary, Tavern, or House of publick Entertainment, but such who are first recommended to him, under the Hands of the Justices of the respective

Counties, signed in open Court; which Justices are and shall be hereby impowered, to suppress and forbid any Person, keeping such Publick-house as aforesaid, upon their Misbehaviour, on such Penalties as the Law doth or shall direct; and to recommend others from time to time as they shall see Occasion.

VIII.

IF any Person, through Temptation or Melancholy, shall destroy himself, his Estate, real and personal, shall notwithstanding, descend to his Wife and Children, or Relations, as if he had died a natural Death; and if any Person shall be destroyed or killed by Casualty or Accident, there shall be no Forfeiture to the Governor by Reason thereof.

AND no Act, Law or Ordinance whatsoever shall, at any Time hereafter, be made or done, to alter, change or diminish the Form or Effect of this Charter, or of any Part or Clause therein, contrary to the true Intent and Meaning thereof, without the Consent of the Governor for the Time being, and Six Parts of Seven of the Assembly met.

BUT because the Happiness of Mankind depends so much upon the Enjoying of Liberty of their Consciences as aforesaid, I do hereby solemnly declare, promise and grant, for me, my Heirs and Assigns, That the first Article of this Charter relating to Liberty of Conscience, and every Part and Clause therein, according to the true Intent and Meaning thereof, shall be kept and remain, without any Alteration, inviolably for ever.

AND LASTLY, I, the said *William Penn*, Proprietary and Governor of the Province of *Pennsylvania*, and Territories thereunto belonging, for myself, my Heirs and Assigns, have solemnly declared, granted and confirmed, and do hereby solemnly declare, grant and confirm, That neither I, my Heirs or Assigns, shall procure or do any Thing or Things, whereby the Liberties in this Charter contained and expressed, nor any Part thereof, shall be infringed or broken; And if any Thing shall be procured or done, by any Person or Persons, contrary to these Presents, it shall be held of no Force or Effect.

IN WITNESS whereof, I the said *William Penn*, at *Philadelphia*, in *Pennsylvania*, have unto this present Charter of Liberties, set my Hand and broad Seal, this Twenty-eighth Day of *October*, in the Year of our Lord, *One Thousand Seven Hundred and One*, being the thirteenth Year of the Reign of

King WILLIAM the Third, over *England*, *Scotland*, *France* and *Ireland*, *&c.* and the Twenty-first Year of my Government.

AND NOTWITHSTANDING the Closure and Test of this present Charter as aforesaid, I think fit to add this following Proviso thereunto, as Part of the same, *That is to say*, That notwithstanding any Clause or Clauses in the above-mentioned Charter, obliging the Province and Territories to join together in Legislation, I am content, and do hereby declare, That if the Representatives of the Province and Territories shall not hereafter agree to join together in Legislation, and that the same shall be signified unto me, or my Deputy, in open Assembly, or otherwise, from under the Hands and Seals of the Representatives, for the Time being, of the Province and Territories, or the Major Part of either of them, at any Time within three Years from the Date thereof, that in such Case, the Inhabitants of each of the Three Counties of this Province, shall not have less than Eight Persons to represent them in Assembly for the Province; and the Inhabitants of the Town of *Philadelphia* (when the said Town is incorporated) Two Persons to represent them in Assembly; and the Inhabitants of each County in the Territories, shall have as many Persons to represent them, in a distinct Assembly for the Territories, as shall be by them requested as aforesaid.

NOTWITHSTANDING which Separation of the Province and Territories, in respect of Legislation, I do hereby promise, grant and declare, That the Inhabitants of both Province and Territories, shall separately enjoy all other Liberties, Privileges and Benefits, granted jointly to them in this Charter, any Law, Usage or Custom of this Government heretofore made and practised, or any Law made and passed by this General Assembly, to the contrary hereof notwithstanding.

WILLIAM PENN.

This CHARTER of PRIVILEGES *being distinctly read in Assembly, and the Whole and every Part thereof being approved of and agreed to by us, we do thankfully receive the same from our Proprietary and Governor, at* Philadelphia, *this Twenty-eighth Day of* October, One Thousand Seven Hundred *and* One.

Signed on Behalf, and by Order of the Assembly, per

JOSEPH GROWDON, *Speaker.*

Edward Shippen, Griffith Owen, Phineas Pemberton, Caleb Pusey, Samuel Carpenter, Thomas Story. } Proprietary and Governor's Council.

The CHARTER *of the City of* Philadelphia.

William Penn, Proprietary and Governor of the Province of *Pennsylvania, &c.* To all to whom these Presents shall come, sends greeting. KNOW YE, That at the humble Request of the Inhabitants and Settlers of this Town of *Philadelphia*, being some of the first Adventurers and Purchasers within this Province, for their Encouragement, and for the more immediate and entire Government of the said Town, and better Regulation of Trade therein, I have, by Virtue of the King's Letters Patents, under the Great Seal of *England*, erected the said Town into a Borough, and by these Presents do erect the said Town and Borough of *Philadelphia* into a CITY; which said City shall extend the Limits and Bounds, as it is laid out between *Delaware* and *Schuylkill*.

AND I do for me, my Heirs and Assigns, grant and ordain, That the Streets of the said City, shall for ever continue as they are now laid out and regulated; and that the End of each Street extending into the River *Delaware*, shall be and continue free for the Use and Service of the said City, and the Inhabitants thereof, who may improve the same for the best Advantage of the City, and build Wharffs so far out into the River there, as the Mayor, Aldermen and Common-Council, herein after-mentioned, shall see meet.

AND I do nominate *Edward Shippen*, to be the present Mayor, who shall so continue until another be chosen, as is herein after directed.

AND I do hereby assign and name *Thomas Story*, to be present Recorder, to do and execute all Things which unto the Office of Recorder of the said City doth or may belong.

AND I do appoint *Thomas Farmer* to be the present Sheriff, and *Robert Assheton* to be the present Town-Clerk, and the Clerk of the Peace, and Clerk of the Court and Courts.

And I do hereby name, constitute and appoint, *Joshua Carpenter*, *Griffith Jones*, *Anthony Morris*, *Joseph Wilcox*, *Nathan Stanbury*, *Charles Read*, *Thomas Masters*, and *William Carter*, Citzens and Inhabitants of the said City, to be the present Aldermen of the said City of *Philadelphia*.

AND I do also nominate and appoint *John Parsons*, *William Hudson*, *William Lee*, *Nehemiah Allen*, *Thomas Paschall*, *John*

Budd, jun. *Edward Smout*, *Samuel Buckley*, *James Atkinson*, *Pentecost Teague*, *Francis Cook*, and *Henry Badcocke*, to be the twelve present Common-Council Men of the said City.

AND I do by these Presents, for me, my Heirs and Successors, give, grant and declare, that the said Mayor, Recorder, Aldermen and Common-Council Men, for the Time being, and they which hereafter shall be Mayor, Recorder, Aldermen and Common-Council Men within the said City, and their Successors, for ever hereafter be, and shall be, by Virtue of these Presents, one Body corporate and politick in Deed, and by the Name of the Mayor and Commonalty of the City of *Philadelphia*, in the Province of *Pennsylvania*: And them by the Name of Mayor and Commonalty of the City of *Philadelphia*, one Body politick and corporate in Deed and in Name, I do for me, my Heirs and Successors, fully create, constitute and confirm, by these Presents; and that by the same Name of Mayor and Commonalty of the City of *Philadelphia*, they may have perpetual Succession; and that they and their Successors, by the Name of Mayor and Commonalty of the City of *Philadelphia*, be, and at all Times hereafter shall be Persons able and capable in Law, to have, get, receive and possess Lands and Tenements, Rents, Liberties, Jurisdictions, Franchises and Hereditaments, to them and their Successors in Fee-simple, or for Term of Life, Lives, Years or otherwise; and also Goods, Chattels, and other Things, of what Nature, Kind, or Quality soever.
AND also to give, grant, lett, sell and assign the same Lands, Tenements, Hereditaments, Goods, Chattels, and to do and execute all other Things about the same, by the Name aforesaid; and also that they be and shall be for ever hereafter Persons able and capable in Law, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all or any of the Courts and Other Places, and before any Judges, Justices, and other Persons whatsoever within the said Province, in all Manner of Actions, Suits, Complaints, Pleas, Causes and Matters whatsoever, and of what Nature or Kind soever.

AND that it shall and may be lawful to and for the said Mayor and Commonalty of the said City of *Philadelphia*, and their Successors, for ever hereafter, to have and use one common Seal for the Sealing of all Businesses touching the said Corporation, and the same from time to time at their Will and Pleasure to change or alter.

AND I do for me, my Heirs and Successors, give, and by these Presents, grant full Power and Authority unto the Mayor, Recorder and Common-Council of the said City of *Philadelphia*, or any Five or more of the Aldermen, and Nine or more of the Common-Council Men, the Mayor and Recorder for the Time being, or either of them, being present, on the first *Third Day* of the Week, in the *Eighth Month* yearly for ever hereafter, publickly to meet at a convenient Room or Place within the said City, to be by them appointed for that Purpose, and then and there nominate, elect and chuse one of the Aldermen to be Mayor for that ensuing Year.

AND also to add to the Number of Aldermen and Common-Council Men, such and so many of those, that by Virtue of these Presents shall be admitted Freemen of the said City from time to time, as they the said Mayor, Aldermen, and Common-Council, shall see Occasion.

AND that such Person who shall be so elected Mayor as aforesaid, shall within three Days next after such Election, be presented before the Governor of this Province or his Deputy for the Time being, and there shall subscribe the Declarations and Profession of his Christian Belief, according to the late Act of Parliament made in the first Year of King WILLIAM'S Reign, intituled, *An Act for exempting their Majesties Subjects, dissenting from the Church of* England, *from the Penalties of certain Laws;* and then and there the Mayor so presented, shall make his solemn Affirmation and Engagement for the due Execution of his Office.

AND that the Recorder, Sheriff, Aldermen, and Common-Council Men, and all other Officers of the said City, before they or any of them shall be admitted to execute their respective Offices, shall make and subscribe the said Declarations and Profession aforesaid, before the Mayor for the Time being, and at the same time shall be attested for the due Execution of their Offices respectively; which Declarations, Promises and Attestations, the Mayor of the said City for the Time being, is hereby impowered to take and administer accordingly.

AND that the Mayor, Recorder and Aldermen of the said City, for the Time being, shall be Justices of the Peace, and Justices of *Oyer* and *Terminer;* and are hereby impowered to act within the said City and Liberties thereof accordingly, as fully and amply as any Justice or Justices of the Peace or *Oyer* and *Terminer*, can or may do within the said Province.

AND that they, or any Four or more of them (whereof the Mayor and Recorder of the said City for the Time being shall be Two) shall and may for ever hereafter have Power and Authority, by Virtue of these Presents, to hear and enquire into all and all Manner of Treasons, Murders, Manslaughters, and all Manner of Felonies and other Crimes and Offences, Capital and Criminal, whatsoever, according to the Laws of this Province, and of the Kingdom of *England*, with the Power also to hear and determine all petty Larcenies, Routs, Riots, unlawful Assemblies: and to try and punish all Persons that shall be convicted for Drunkenness, Swearing, Scolding, breaking the Peace, or such like Offences, which are by the Laws of this Province to be punished by Fine, Imprisonment or Whipping; with Power also to award Process against all Rioters and Breakers of the Peace, and to bind them, and all other Offenders and Persons of evil Fame, to the Peace or good Behaviour, as any Justice or Justices of the Peace can do, without being accountable to me or my Heirs, for any Fines or Amerciaments to be imposed for the said Offences, or any of them.

AND I do hereby impower them, or any Four of them (whereof the Mayor and Recorder for the Time being shall be Two) with the City Sheriff and Town Clerk, to hold and keep a Court of Record quarterly, or oftener, if they see Occasion, for the enquiring, hearing and determining of the Pleas and Matters aforesaid; and upon their own View, or after a legal Procedure in some of those Courts, to cause all Nuisances and Encroachments in the Streets of said City to be removed, and punish the Parties concerned, as the Law and Usage in such Cases shall require.

AND I do by these Presents assign and appoint, that the present Mayor and Recorder and Aldermen herein before-mentioned, be the present Justices of the Peace, and *Oyer* and *Terminer*, within the said City; and that they and all others that shall be Mayors, Recorders and Aldermen of the said City for the Time being, shall have full Power and Authority, and are hereby impowered and authorized, without any further or other Commission, to be Justices of the Peace, and of *Oyer and Terminer*, within the said City for ever; and shall also be Justices of the Peace, and the Mayor and Recorder shall be of the Quorum of the Justices of the County Courts, Quarter-Sessions, *Oyer* and *Terminer*, and Goal-Delivery, in the said County of *Philadelphia;* and shall have full Power to award Process, bind to the Peace, or Be-

haviour, or commit to Prison, for any Matter or Cause, arising without the said City, and within the Body of the aforesaid County, as Occasion shall require; and to cause Kalenders to be made of such Prisioners, which, together with all Recognizances and Examinations taken before them for or concerning any Matter or Cause not determinable by them, shall be duly returned to the Judges or Justices of the said County, in their respective Courts, where the same shall be cognizable.

AND that it may be lawful to and for the said Mayor and Commonalty, and their Successors, when they see Occasion, to erect a Goal or Prison and Court-house with the said City.

AND that the Mayor and Recorder for the Time being, shall have, and by these Presents have Power to take Recognizance of Debts there, according to the Statue of Merchants, and of Action Burnel; and to use and affix the common Seal thereupon, and to all Certificates concerning the same.

AND that it shall be lawful to and for the Mayor of the said City, for the Time being, for ever hereafter to nominate, and from time to time appoint the Clerk of the Market, who shall have Assize of Bread, Wine, Beer, Wood and other Things; and to do, execute and perform all Things belonging to the Clerk of the Market within the said City.

AND I will that the Coroners to be chosen by the County of *Philadelphia* for the Time being, shall be Coroners of the said City and Liberties thereof; but that the Freemen and Inhabitants of the said City shall, from time to time, as often as Occasion be, have equal Liberty with the Inhabitants of the said County, to recommend or chuse Persons to serve in the respective Capacities of Coroners and Sheriffs for the County of *Philadelphia*, who shall reside within the said City.

AND that the Sheriff of the said City and County for the Time being, shall be the Water bailiff, who shall, and may execute and perform all Things belonging to the Office of Water Bailiff, upon *Delaware* River, and all other navigable Rivers and Creeks within the said Province.

AND in case the Mayor of the said City for the Time being shall, during the Time of his Mayoralty, misbehave himself, or misgovern in that Office, I do hereby impower the Recorder, Aldermen and Common-Council Men, or *Five* of the Aldermen, and *Nine* of the Common-Council Men of the said City of *Philadelphia*, for the Time being, to remove such

Mayor from his Office of Mayoralty; and in such Case, or in case of the Death of the said Mayor for the Time being, that then another fit Person shall, with *Four* Days next after such Death or Removal, be chosen in Manner as is above directed for electing of Mayors, in the Place of him so dead or removed.

AND lest there should be a Failure of Justice or Government in the said City, in such Interval I do hereby appoint, That the eldest Alderman for the Time being, shall take upon him the Office of a Mayor there, and shall exercise the same till another Mayor be chosen as aforesaid; and in case of the Disability of such eldest Alderman, then the next in Seniority, shall take upon him the said Office of Mayor, to exercise the same as aforesaid.

AND in case the Recorder, or any of the Aldermen or Common-Council Men of, or belonging to, the said City, for the Time being, shall misbehave him or themselves in their respective Offices and Places, they shall be removed, and others chosen in their Stead, in Manner following, *that is to say*, The Recorder for the Time being, may be removed (for his Misbehaviour) by the Mayor, and *Two Thirds* of the Aldermen and Common-Council Men respectively; and in case of such Removal, or of the Death of the Recorder, then to choose another fit Person skilled in the Law, to be the Recorder there, and so to continue during Pleasure as aforesaid.

AND the Alderman so misbehaving himself, may be removed by the Mayor, Recorder, and *Nine* of the Aldermen and Common-Council Men; and in case of such Removal, or Death, then within *Four* Days after, to choose a fit Person or Persons to supply such Vacancies; and the Common-Council Men, Constables, and Clerk of the Market, for Misbehaviour, shall be removed, and others chosen, as is directed in the Case of Aldermen.

AND I do also, for me and my Successors, by these Presents, grant to the said Mayor and Commonalty, and their Successors, That if any of the Citzens of the said City shall be hereafter nominated, elected and chosen to the Office of Mayor, Aldermen and Common-Council Men as aforesaid, and having Notice of his or their Election, shall refuse to undertake and execute that Office to which he is so chosen, that then, and so often, it shall and may be lawful for the Mayor and Recorder, Aldermen and Common-Council Men, or the major Part of the Aldermen and Common-Council Men for the Time being, according to their Discretion, to impose such

moderate Fines upon such Refusers, so as the Mayor's Fine exceed not *Forty Pounds*, the Aldermen's *Five* and *Thirty Pounds*, and Common-Council Men *Twenty Pounds*, and other Officers proportionably, to be levied by Distress and Sale, by Warrant under the Common Seal, or by other lawful Ways, to Use of said Corporation.

AND in such Cases it shall be lawful to chuse others to supply the Defects of such Refusers, in Manner as is above directed for Elections.

AND that it shall and may be lawful to and for the Mayor, Recorder, and at least *Three* Aldermen for the Time being, from time to time, so often as they shall find Occasion, to summon a Common-Council of the said City.

AND that no Assembly or Meeting of the said Citzens, shall be deemed or accounted a Common-Council, unless the said Mayor and Recorder, and at least *Three* of the Aldermen for the Time being, and *Nine* of the Common-Council Men, be present.

AND also that the said Mayor, Recorder, Aldermen and Common-Council Men for the Time being, from time to time, at their Common-Council, shall have Power to admit such and so many Freemen into their Corporation and Society as they shall think fit.

AND to make (and they may make, ordain, constitute and establish) such and so many good and reasonable Laws, Ordinances and Constitutions (not repugnant to the Laws of *England* and this Government) as to the greater Part of them at such Common-Council assembled (where the Mayor and Recorder for the Time being, are to be always present) shall seem necessary and convenient for the Government of the said City.

AND the same Laws, Ordinances, Orders and Constitutions so to be made, to put in Use and Execution accordingly, by the proper Officers of the said City; and at their Pleasure to revoke, alter and make anew, as Occasion shall require.

AND also impose such Mulcts and Amerciaments upon the Breakers of such Laws, and Ordinances, as to them in their Discretion shall be thought reasonable; which Mulcts, as also all other Fines and Amerciaments to be set or imposed by Virtue of the Powers granted, shall be levied as above is directed in case of Fines, to the Use of the said Corporation, without rendering any Account thereof to me, my Heirs and Successors; with Power to the Common-Council aforesaid, to mitigate, remit or release such Fines and Mulcts, upon the

Submission of the Parties. *Provided always*, That no Person or Persons hereafter, shall have Right of electing or being elected, by Virtue of these Presents, to any Office or Place judicial or ministerial, nor shall be admitted Freemen of the said City, unless they be free Denizens of this Province, and are of the Age of Twenty-one Years or upwards, and are Inhabitants of the said City, and have an Estate of Inheritance or Freehold therein, or are worth *Fifty Pounds* in Money or other Stock, and have been resident in the said City for the Space of Two Years, or shall purchase their Freedom of the Mayor and Commonalty aforesaid.

AND I do further grant to the said Mayor and Commonalty of the City of *Philadelphia*, that they and their Successors shall, and may for ever hereafter hold and keep within the said City, in every Week of the Year, two Market Days, the one upon the *Fourth* Day of the Week, and the other upon the *Seventh* Day of the Week, in such Place or Places as is, shall, or may be appointed for that Purpose, by the said Commonalty or their Successors, from time to time.

AND also two Fairs therin every Year, the one of them to begin on the sixteenth Day of the *Third Month*, called *May*, yearly, and so to be held in and about the Market Place, and continue for that Day and two Days next following; and the other of the said Fairs to be held in the aforesaid Place on the sixteenth Day of the *Ninth Month* yearly, and for two Days next after.

AND I do for me, my Heirs and Assigns, by Virtue of the King's Letters Patent, make, erect and constitute the said City of *Philadelphia* to be a Port or Harbour for discharging and unlading of Goods and Merchandize out of Ships, Boats and other Vessels, and for lading and shipping them, in or upon such and so many Places, Keys and Wharffs there, as by the Mayor, Aldermen and Common-Council of the said City, shall from time to time be thought most expedient for the Accommodation and Service of the Officers of the Customs, in the Management of the King's Affairs, and Preservation of his Duties, as well as for Conveniency of Trade.

AND I do ordain and declare, That the said Port or Harbour shall be called the Port of *Philadelphia*, and shall extend and be accounted to extend into all such Creeks, Rivers and Places within this Province, and shall have so many Wharffs, Keys, Landing-places and Members belonging thereto, for landing and shipping of Goods, as the said Mayor, Aldermen and Common-Council for the time being, with the Ap-

probation of the chief Officer or Officers of the King's Customs, shall from time to time think fit to appoint.

AND I do also ordain, That the Landing-places now and heretofore used at the *Penny-Pot-House* and *Blue Anchor*, saving to all Persons their just and legal Rights and Properties in the Land so to be open; as also the Swamp between *Budd's* Buildings and *Society-hill*, shall be left open and common for the Use and Service of the said City and all others, with Liberty to dig Docks, and make Harbours for Ships and Vessels, in all or any Part of the said Swamp.

AND I do hereby grant, that all the vacant Land within the Bounds and Limits of the said City, shall remain open as a free Common of Pasture, for the Use of the Inhabitants of the said City, Until the same shall be gradually taken in, in order to build or improve thereon, and not otherwise. *Provided always*, that nothing herein contained, shall debar me or my Heirs in time to come, from fencing in all the vacant Lands that lie between the *Center* Meeting-house and the *Schuylkill*, which I intend shall be divided from the Land by me allotted for *Delaware Side*, by a strait Line along the *Broad-street* from *Edward Shippen's* Land through the *Center* Square by *Daniel Pegg's* Land; nor shall the fencing or taking in of any of the Streets, happening to be within that Inclosure on *Schuylkill* be deemed or adjudged to be an Incroachment, where it shall not interfere or stop any of the Streets or Passages leading to any of the Houses built or to be built on that Side, any Thing herein contained to the contrary notwithstanding.

AND I do grant, that this present Charter, shall, in all Courts of Law and Equity, be construed and taken most favourable and beneficially for the said Corporation.

IN WITNESS whereof, I have hereunto set my Hand, and caused my Great Seal to be affixed. Dated at *Philadelphia* the Five and Twentieth Day of *October*, Anno Domini, *One Thousand Seven Hundred* and *One*, and in the Thirteenth Year of the Reign of King WILLIAM the Third, over *England, &c.* and the One and Twentieth Year of my Government.

WILLIAM PENN

At an ASSEMBLY, *began at* PHILADELPHIA, *in* October, *One Thousand Seven Hundred and Three.*

EDWARD SHIPPEN, Esq; President of the Council*

The Declarations and Tests signed by the Members of this Assembly.

We whose Names are hereunto subscribed, elected Representatives by the Freemen of the respective Counties in this Province of Pennsylvania, *and the City of* Philadelphia, *in Pursuance of the Proprietary's Charter, to serve in Assembly, do each of us for himself solemnly promise and declare, That we will be true and faithful to Queen* ANNE, *of* England, *&c. And we do solemnly promise, and declare, That we from our Hearts abhor detest and renounce, as impious and heretical, that damnable Doctrine and Position, that Princes excommunicated, or deprived by the Pope, or any other Authority of the See of* Rome, *may be deposed or murdered by their Subjects, or any other whatsoever: And we do declare that no foreign Prince, Person, Prelate, State or Potentate, hath, or ought to have any Power, Jurisdiction, Superiority, Preeminence or Authority, ecclesiastical or spiritual, within the Realm of* England, *and the Dominions thereunto belonging.*

And we, and each of us, do solemnly and sincerely profess, testify and declare, That we do believe, that in the Sacrament of the Lord's Supper there is not any Transubstantiation of the Elements of Bread and Wine into the Body and Blood of Christ, at, or after the Consecration thereof by any Person whatsoever; and that the Invocation, or Adoration of the Virgin Mary, *or any other Saint, and the Sacrifice of the Mass, as they are now used in the Church of* Rome, *are superstitious and Idolatrous.*

And we, and each of us for himself, do solemnly profess, testify and declare, That we do make this Declaration, and every Part thereof, in the plain and ordinary Sense of the Words read unto us, as they are commonly understood by English *Protestants, without any Evasion, Equivocation, or mental Reservation whatsoever; and without any Dispensation already granted for this Purpose, by the Pope, or any other Authority or Person whatsoever; or without any Hope of any such Dispensation from any Person or Authority what-*

* President and Council from February 1702-3 to February 1703-4.

soever; or without thinking that we are, or can be acquitted before God or Man, or absolved of this Declaration, or any Part thereof, although the Pope, or any other Person or Persons, or Power whatsoever, should dispense with, or annul the same, or declare that it was null and void from the Beginning.

And we the said subscribing Representatives, and each of us for himself, do solemnly and sincerely profess Faith in God the Father, and in Jesus Christ his eternal Son, the true God, and in the Holy Spirit, One God, blessed for evermore; and we do acknowledge the holy Scriptures to be given by divine Inspiration.

Nicholas Pile,	Joseph Growdon,	Samuel Richardson,
John Bennet,	Tobias Dymmoke,	Isaac Norris,
Andrew Job,	Richard Hough,	David Lloyd,
David Lewis,	William Paxton,	*Speaker*,
Nathaniel Newlin,	Jeremiah Langhorn,	Anthony Morris,
Joseph Baker,	Joshua Hoopes,	Samuel Cart,
Robert Carter,	Thomas Stevenson,	Griffith Jones,
Joseph Wood,	Rowland Ellis,	Joseph Wilcox,
William Biles,	Nicholas Waine,	Charles Read.

Resolved,

That the Representatives or Delegates of the Freeholders of this Province, according to the Powers granted by the Proprietary and Governor by his Charter, dated the twenty-eighth Day of *October*, *Anno Domini*, 1701, may meet in Assembly on the fourteenth Day of *October*, yearly, at *Philadelphia*, or elsewhere, as shall be appointed by the Governor and Council for the Time being, and so continue on their own Adjournments from time to time, during the Year of their Service, as they shall find Occasion, or think fit, for preparing of Bills, debating thereon, and voting, in order to their being pass'd into Laws; appointing Committees, redressing of Grievances, and impeaching of Criminals, as they shall see meet, in as ample Manner, as any of the Assemblies of this Province and Territories have hitherto at any Time done, or might legally do, as effectually to all Intents and Purposes, as any of the neighbouring Governments under the Crown of *England* have Power to do, according to the Rights and Privileges of the Freeborn Subjects of *England*, keeping to the Rules and Prescriptions of the Parliament of *England*, as near as may be, respecting the Infancy of the Government and the Capacities of the People: And that the said Assembly, as often as the Governor for the Time being shall require.

attend on him, in order to Legislation; and to answer all other just Ends of Assemblies on any Emergencies or Reasons of State; but shall not be subject at any Time to be by him adjourn'd, prorogu'd, or dissolv'd.

After the Meeting of the Representatives of the several Counties of this Province to serve in Assembly, the Speaker shall be chosen by the Majority of Voices, a Quorum of the House being present, and the same Day presented to the Governor for the Time being; who being approved of by the Governor, and returned to the House, all the Members shall receive their Qualifications in Manner following, *viz.* The Speaker in his Chair, a full House being present at a Table in the Middle of their House, every Member as he is called over in Order shall subscribe the foregoing Declaration, being first read to him by the Clerk of the House with an audible Voice.

RULES *proposed to be observed in the House.*

That any Member indecently carrying himself towards the Speaker, or any of the Members, by Reflections, or other uncomely Behaviour, in the House, or shall transgress this or any of the following Rules, shall for the first Offence be reproved, for the second and after fin'd, as the House thinks fit, not exceeding *Ten Shillings.*

That all Members, offering to speak, stand up, and direct their Speech to the Chair, speak pertinently to the Occasion, and having ended to sit down; none to speak above twice to one Matter (especially upon Bills) without Leave of the Speaker.

That none presume to interrupt another, nor offer to speak until the first sit down.

That the Members forbear talking to each other, and keep Silence, unless they have Occasion to speak in order as aforesaid.

That no Member endeavour to pervert the Sense of another's Speech.

That the Speaker have Power to stop all unnecessary, tedious, or superfluous Discourse, and to command Silence when needful.

That the Members avoid naming others when they may have Occasion to observe or take Notice of their Speech, but have respect to the Time of their Speaking, or to the Seat they have, as Right or Left-hand of the Chair, *&c.*

That no Member presume to go in or out of the House before the Speaker, he being present, nor depart the House without his Leave.

That upon Debates, and passing of Bills, the Majority of Votes shall govern; and when the Votes of the Members are equal in Number, the Speaker shall have the Casting Vote.

That the Speaker, with the Consent of the House, require any Member offending to stand at the Bar, and there receive the Censure of the House.

That no Member presume to divulge the Debates or Secrets of the House.

That no Member, who is against the Body of a Bill, shall be appointed to be of a Committee concerning that Bill.

That the Speaker have Power to nominate Persons for Committees; and that none who are nominated, refuse the Service; not that any of the Members shall be hereby debarred of their Privilege of nominating Persons if they think fit, or rejecting such as are by the Speaker nominated; in which Cases, the Opinion of the House shall rule.

That Bills to be pass'd into Laws, may be brought in by any particular Member, or received by them, or the Speaker from others, and presented to the House, who is to order the Clerk loudly to read them; and after reading, to be respectfully delivered to the Speaker, and him to mark and note (by Breviate or otherwise) all Bills, and declare the Nature and Use of the same; which, if not rejected, to cause to be read a second Time; and after deliberate Consideration thereon, and Amendments made, if needful, cause it to be read a third Time, and drawn fair, and sent to the Governor, as the House shall think fit, for his Assent, or Rejection: but that no Bill be read twice in one Day, except on extraordinary Occasions.

That at the first Reading of Bills, the Members avoid any close Debate, and seriously deliberate on the Contents, in order to their better Information before the second Reading.

That all Questions put by the Speaker, to know the Mind of the House by Vote, be answered by the Members standing up, and saying Yea, or Nay, as they shall see meet.

That if it shall at any Time happen, that a Debate prove tedious, and any four Members shall stand up, and request the Speaker to put the Matter in Debate to the Vote, he shall not refuse it.

That after the Meeting of any Assembly, the Regularity of Elections being first inspected, Committees shall be appointed

on the several Occasions of their Sessions, so far as they have Knowledge thereof, wherein the Command of the Crown shall be preferr'd, and next that of the Governor: After which, Inspection shall be made into the Law for Safety of the Government, and Preservation of Liberty and Property; next of Grievances; of publick and private Bills; of Petitions, *&c.* in Course.

The GOVERNOR'S *Speech to the Assembly.*

GENTLEMEN,

"The Proprietary, and Governor in Chief, of this Province and Territories, having with her Majesty's Royal Approbation, thought fit to appoint me Lieutenant Governor of the same; as well her Majesty, as the Proprietary, have been pleased to give all necessary Power and Instruction for the well-governing the People thereof.

For the full Discharge of which, it is needless to inform any who are blessed with the Privileges of *Englishmen*, that nothing is of greater Importance, than a well regulated Legislative Power, consisting in the Concurrence of those that are invested with the Power of Government, and the People whose Representatives you now are: The compassing which happy End, as I am well assured is one great Point of my Duty, so, with God's Assistance, it shall be the utmost of my Endeavours.

But I was not a little surprized, Gentlemen, at my Arrival in this Place, to hear that within the Bounds of my Commission, there had been any Tendency to a Division in the Legislative Powers happily settled by our Constitution in an Assembly of the Freeholders of this Province and Territories.

Since the first erecting of this Government, I have been pleased to hear, that you have all hitherto been united in one Body in your Assemblies, and in them have jointly enacted Laws, by which you have been peaceably govern'd; and flourish'd at least equally for the Time, to any Colony in *America*.

And I shall be exceeding sorry should it prove my Misfortune and yours, to find you who have gone thus happily on together, to proceed on my Arrival among you to break that Union, and confirm by Act a Separation, that I must believe was the Unhappiness of the Place, to have ever laid any Foundation for.

I am well assured, Gentlemen, by all my Orders, that her Majesty considers both this Province and Territories, as one

entire Government; and both the Royal Approbation and my Commission tell me, that I ought to use my utmost Endeavours to keep them so.

Your publick Interest also, I suppose will no less clearly inform you, that you are by that so inseparable united, that neither can without great Loss and Inconveniency suffer a Division.

Unity and Concord, are the great Cement of publick Happiness; and 'tis no small Part at this Time of the Glory of *England* that in the Legislative Powers there, the Parliament is in Harmony and Union.

I must therefore, Gentlemen, earnestly press, both to you the Representatives of the Province, notwithstanding the Steps already made to a Separation, and to you of the Lower Counties, who upon our Consultation at *Newcastle* with some of the Principal of you on this Head, thought it requisite to meet here, to deliberate and consult of this important Affair: That conferring by yourselves, and together, as there shall be Occasion, you will take the speediest and properest Measures to form yourselves, by an amicable Agreement, into a Condition that may enable you effectually to proceed to the Consideration of such Matters, as the Service of her Majesty, this Government, and our Common Interest and Safety may require; and which copy I lay before you.

The different Numbers of Representatives need not be any Obstruction; your Business together being not now immediately to proceed to Voting, but to find Means to put yourselves jointly in a fit Condition for it.

I must recommend to you, Gentlemen, both of the Province, and Territories, that you would use your utmost Dispatch in this Affair, that we may the more speedily proceed to other such Business as our Circumstances may require to be expedited."

JOHN EVANS.

To John Evans, Esq; Lieutenant Governor of the Province of *Pennsylvania*, and Territories thereunto belonging,

The humble Address of the Representatives of the Freemen of the said Province, met the 12th Day of the Month called *April*, 1704.

May it please the Governor,

AFTER *our hearty and sincere Acknowledgments to the Queen for her Condescension towards her poor Subjects here,*

in granting her Royal Approbation of thy Lieutenancy in this Government; we can do no less than be thankful for thy Care and Concern for our Welfare, express'd in thy Speech to us this Day.

As to the seeming Division in the Legislative Powers, we are sorry thou should have any Occasion to make such Remarks; and could wish thou had been fully informed (before thy imbarking) under what Constitution the Proprietary left us.

We shall be heartily glad of a further Union with the Territories, if it can be obtained without Prejudice of those we represent, and without a Violation of the Charter by which we are conven'd.

The Representatives of the Lower Counties, in former Assemblies (we conceive) have been the Occasion of inserting that Clause in our Charter, which provides for our distinct Acting in Legislation. In Pursuance whereof, we have been form'd an Assembly before thy Arrival; which (if amiss) cannot be chargeable to thy Conduct, neither can we yet conceive how to recede from what is done in that Behalf: But we humbly hope, that if our Circumstances should oblige us to act distinctly in Legislation, we may yet continue so much Candour and good Neighbourhood to each other, as that no Inconveniences may thence arise to either of us, at least whilst thou hast a Negative in both, Nevertheless, to shew our Readiness to receive what may be proposed towards our Uniting, we have appointed a Committee to confer with them thereupon; which Conference, we hope, will have a happy Issue; and the Result thereof shall be communicated to thee in due Time.

Signed in the Behalf, and by Order of the House.

DAVID LLOYD, Speaker.

To the Representatives of the Province of Pennsylvania.

We the Representatives of the Counties of *Newcastle, Kent* and and *Sussex* (being by Virtue of the Governor's Writ for Election) met at *Philadelphia*, on the tenth Day of this Instant, in Expectation to have joined in Assembly with the Representatives for the Province of *Pennsylvania*, found ourselves disappointed therein, by their pretending a former Separation; wherefore we do think it our Duty to manifest and declare, how unwilling we are to admit of any such Thing as a Disunion, being afraid that the Consequences thereof must of Necessity prove prejudicial to the Peace and Interest of the Proprietary, and Government. We therefore being

very sensible of the same, do declare, that for the Quietness and Prosperity of the Government, we are satisfied and content to accept of the Charter given and granted by *William Penn*, Esq; Proprietary and Governor, *&c.* dated at *Philadelphia*, the Twenty-eighth Day of October, 1701. according to the true Intent and Meaning of the same; and as it was then given (that is to say,) if the Province will join with us in representing the same by four Members out of each County, so that our Representatives may be equal in Number, conform to the second Article of the said Charter, and the antient Use and Practice of this Government; the which is now offered by us, not doubting of your satisfactory Answer in Writing.

Signed by

James Coutts,	*William Rodney*,	*John Hill*,
John Healy,	*John Brinkloe*,	*William Bagwell*,
Roelof de Haes,	*William Morton*,	*Robert Burton*,
Isaac Gooding,	*Arthur Meston*,	*Richard Painter*.

Dated at Philadelphia, *April* 13, 1704.

To the Representatives of the Freemen of the Territories of the Province of Pennsylvania

We the Representatives of the Freemen of the said Province in Assembly met, this 13th Day of the Month called April, 1704, *having received this Day a certain Paper of Proposals from you, return for Answer.*

THAT we are sorry you should in that Paper pretend you met here in Expectation of joining with us in Assembly; whereas yourselves declared in the Conference we had with you Yesterday, that you could not act in Conjunction with us, in regard you were called by the Governor's Writ, and we by the Charter. We cannot conceive how you now can call the Disunion a pretended One, which has been so often debated in Assembly, and which the Actions of your Representatives forced upon us, by their refusing to act with us on several Occasions; and particularly by your Slight of the said Charter, in neglecting to choose Representatives to serve in Assembly in *October*, 1702. And notwithstanding the then Lieutenant Governor was pleased to indulge you in issuing forth his Writs, impowering the Counties you represent to make a new Election, which they so far comply'd withal, as to choose and send up their Delegates to meet those of the Province upon the sixteenth of *November* then following, ac-

cording to the Tenor of the said Writ; Yet your Representatives (Whereas aforesaid assembled with them of the Province, after several Debates between them about acting conjointly) were pleased to express their Unwillingness thereunto; and further declared their Dislike of the said Charter, and refused to agree to join together with us, to act by it in Legislation; all of which was more at large signified by the Representatives of the Province, under their Hands and Seals, to the then Lieutenant Governor; whereunto they were necessitated by Direction of the Charter, after the Opposition made to the said Union by your Representatives; so that being by Virtue of the said Charter formed into a distinct Assembly and our Members settled accordingly, we conceive it is not now in our Power to alter our said Numbers without a Violation of the Charter and Trust reposed in us by those we represent; neither can we conceive any Expedient proposed by you (tho' desired by us in the Conference Yesterday) to reconcile your Request of an Union with the said Charter (our present Circumstances considered) which we presume is a Duty incumbent on you at whose Door the Disunion is, since you seem to desire a Re-uniting.

We need not inform you, That by this Charter you still have the Opportunity of forming yourselves into a distinct Assembly, and enjoying the Privileges thereof as well as the Province; which we hope by our Candour and good Neighbourhood towards each other, may prevent the Inconveniency and Prejudice you seem to doubt as the Consequence of our acting separately, and not prove prejudicial to the Prosperity and Safety of the Government, under the present Administration.

This being our plain and genuine Answer, we hope it will prove satisfactory to you, from your real Friends and Well-wishers.

Signed by Order, and on Behalf of the House of Representatives, by

DAVID LLOYD, *Speaker.*

Philadelphia, the 24th of the *Third Month*, 1704.

THE Resolves of this House on the Seventeenth of *October* last, concerning the Confirmation of the Charter of Privileges, by which this Assembly is convened; as also concerning the Proprietary's Charter to the City of *Philadelphia*, were read and further considered.

Whereupon it is ordered, that a Bill be prepared for the Confirmation of the said Charter of Privileges; as also to de-

clare, that the Actings and Proceedings of this Assembly shall be deemed, adjudged and taken to be valid.

And it is further ordered, that a Bill be prepared for the Confirmation of the City Charter of *Philadelphia*, as also to ascertain the Powers and Privileges thereby granted, so that the Justices or Magistrates of the County may not interfere with the City Magistrates, in Matters or Causes arising within the Limits of the said City.

A Petition of several Inhabitants of the City of *Philadelphia*, desiring a Law to be made concerning Party Walls, and making good the Cart-way under the Bank; as also for building a Court-House, and for pulling down the Prison Wall, and removing the Nusance occasioned by the Prisoners, *&c.* was read and considered.

Ordered, That a Bill be prepared to oblige the building or providing a Prison and Court-House for the said City and County; as also for taking down the said Prison Wall as desired: But that the Party Walls, and the rest of what is requested, may be provided for by the Mayor and Corporation.

A Petition from *William Croasdale*, Ranger of *Bucks* County, desiring a Law for regulating Rangers, *&c.* was read: and also Captain *Finny's* Petition to the same Effect, was read.

Ordered, That a Bill be prepared accordingly.

Post Meridiem.

A Petition from the Shoemakers, Sadlers, *&c.* requesting a Law to prohibit exporting of Leather, was read.

Ordered, That a Bill be prepared for the true Tanning of Leather, and to prohibit the Exportation of raw Hides, and tann'd Leather made here, and ascertain Rates of Shoes.

A Petition of several Inhabitants of *Philadelphia* County, requesting a Law to prohibit the Exportation of Deer-skins dressed in the Hair; and that further Provision be made for encouraging the killing of Wolves, was read.

Ordered, That Provision be made about Deer-skins in the Bill for prohibiting Exportation of Leather; and the *Fifteen Shillings*, be allowed for every Wolf's Head, as well Dog as Bitch, and *Seven Shillings* and *Six Pence* a Piece for young Ones; and that a Bill be prepared to raise Money peculiarly for that Purpose, and a Treasurer to be appointed to receive and pay the same in every County.

A Petition of the Felt-makers, requesting a Law for the prohibiting Exportation of all Beavers, Furrs and Raccoon

Match-coats out of this Province, that are proper and needful to be work'd up within the same, was read.

Ordered, That the Petitioners have Leave to bring in a Bill accordingly.

A Petition from several Inhabitants of *Philadelphia* County, requesting that a Duty be put on all foreign Hops imported into this Province, was read.

Ordered, That a Bill be prepared accordingly, and an Impost laid thereon.

Adjourned till Eight a Clock To-morrow Morning.

The Committee appointed to draw up Addresses to the Queen, desire further Time to finish the same, which was granted.

Post Meridiem.

Charles Read reports from the Committee appointed to prepare the several Addresses to be presented to the Queen, that they had prepared them accordingly, and delivered the same at the Table, where they were severally read, and agreed to by the House, N. C. D. which Addresses are as followeth.

To our Gracious Queen ANNE, *of* England, Scotland, France *and* Ireland, *&c.*

The humble Address of the Freemen of the Province of Pennsylvania, *in General Assembly met, this 25th of May*, 1704.

In all humble Manner sheweth,

THAT we thy loyal and peaceable Subjects, in a deep Sense of thy boundiful Protection extended to all the Inhabitants of thy spacious Empire, and particularly to those of our Profession, both here in and our Native Country, can do no less than hertily congratulate thy happy Accession to the Throne of thy Royal Ancestors; beseeching the Great God, by whom Princes reign, to protect thy Royal Person, and govern all thy Councils, that we may long enjoy the happy Influence of thy propitious Government; of which we are very sensible, by the Expressions of thy Favour to our Proprietary, *William Penn*, and thy Royal Approbation of our present Lieutenant Governor, *John Evans;* under whose Conduct we shall constantly endeavour to approve ourselves with all Chearfulness, thy most humble and obedient Subjects.

Signed by Order of the House of Representatives,

N. C. D. per

David Lloyd, *Speaker.*

To our Gracious Queen ANNE, *of* England, Scotland, France *and* Ireland, *&c.*

The humble Address of the People called Quakers, *conven'd in Assembly at* Philadelphia, *in the Province of* Pennsylvania, *the 25th Day of* May, 1704.

In all humble Manner Sheweth,

THAT the late King CHARLES the Second, by his Royal Charter did grant unto our Friend, *William Penn*, this Tract of Land called *Pennsylvania*, being at that Time very little cultivated, and the Inhabitants few; and mostly made up of *Dutch*, *Fins* and *Swedes*, whose Manner of Living was of small Advantage to the Crown of *England*.

That upon the Encouragement of the said Charter, and in Hopes of enjoying the Liberties and Immunities thereby granted to the Adventurers, a considerable Colony of us the said People, with some of other Persuasions, came over hither, and made great Improvements in a Wilderness.

That since our first Settlement, several Persons, differing from us in religious Matters, have thought fit to inhabit amongst us (and by the Blessing of God on our joint Endeavours, have further advanced this Part of thy Dominions) and became Sharers in the Government with us, which was carried on without Oaths; the taking or administering whereof, has always been against our religious Persuasion; but instead of Oaths, the Obligations all Persons came under, were the solemn Attestation enjoyn'd by the Laws of this Government.

But we have laboured under some Difficulties since the Publication of thy Royal Order in Council, dated the 21st of *January*, 1702, appointing all Persons in Judicial, or other Offices, before they enter thereunto, to take the Oath directed by the Law of *England*, or the affirmation allowed by the said Law to *Quakers;* and that no Judge should be allowed to sit upon the Bench, who should not first take the Oath of a Judge, or in Lieu thereof the said Affirmation, as directed by the Law of *England*: As also, that all Persons, who in *England* are obliged, and are willing to take an Oath in any publick or judicial Proceeding, be admitted so to do by the proper Officers and Judges here; in Default of which, or in case the said Judges should refuse to administer the said Oath, then their Proceedings to be null and void.

Which Order we humbly conceive to be the Intent of thy Royal Favour towards us; but in regard we cannot administer Oaths, nor join with others in so doing, several of

us, who might be serviceable to our Country in Courts of Judicature, are excluded; which Refusal of ours proceeds not from Disloyalty, but Tenderness of Conscience.

Now forasmuch as those that are, and have been so earnest to introduce Oaths here, have often declared they would be willing to take the said solemn Affirmation instead of an Oath upon all Occasions, and in all Matters wherein the Life of a Subject was not in Question: And the said Affirmation being as we understand as great Security as an Oath, since none but the most profligate of Mankind, whom Oaths cannot bind, will falsify a solemn Attest, and Justice requiring the same Security for Preservation of Estate as Life: And the People called *Quakers*, being still the most considerable for Number and Estates, are consequently like to be the greater Losers, in case the Administration of this Government without Oaths should prove detrimental to the Subjects in general.

Therefore, may it please the Queen to take the Premises into thy tender Consideration, and grant that the Affirmation prescribed by Act of Parliament in *England*, to be taken by the *Quakers*, may be allowed here to all Persons, and on all Occasions, instead of an Oath, which shall be thankfully acknowledged as an Act of Royal Clemency and Indulgence unto us, who shall always study to approve ourselves thy sincere, loving and obedient Subjects.

Signed by Order of the House of Representatives, N. C. D. per

DAVID LLOYD, *Speaker*.

Resolved, N. C. D. That a Tax not less than *One Thousand Pounds*, be laid on the Inhabitants of this Province, for Support of Government.

Then the House adjourned till Eight a Clock To-morrow Morning.

A Bill for regulating Watermen was presented to this House, and read the first Time, and ordered a second Reading.

The Petition of *Martha Dale*, Relict of *Peter Dale*, deceased, praying Leave to bring in a Bill to this House, for enabling her and *William Sanders*, Son and Heir of *Charles Sanders*, Merchant, deceased, and *Sarah*, his Relict, to make Partition of *Pennypack* Mills, and Lands belonging thereunto; and to assure certain Lands sold by the said *Charles* to the said *Peter*, was read.

Ordered, That Leave be given to bring in a Bill accordingly.

The Bill about selling Rum, *&c.* to the *Indians*, *&c.* not being fully considered by the Committee, is recommended to their further Consideration.

Resolved, That a Bill be prepared consonant to the Address made by this House to the Queen, That the Affirmation prescribed by Act of Parliament to be taken by the *Quakers*, be allowed here to be taken by all Persons, and in all Cases.

Adjourned till Two a Clock this Afternoon.

The Petition of *Francis Chads*, Executor to *James Stanfield*, praying Leave to bring in a Bill to foreclose the Heir of *Samuel Atkins*, from the Benefit or Equity of Redemption of two Messuages and Lots of Land in *Philadelphia*, which the said *Atkins* mortgaged in Fee to the said *Stanfield*, was read.

Ordered, That Leave be given to bring in a Bill accordingly.

The Petition of *Thomas Stevenson*, and *Sarah* his Wife, Administratix of the Estate of *Edward Pennington*, her former Husband, deceased, craving Leave to bring in a Bill to assist the Petitioners in the Sale of the said *Pennington's* Land, was read.

Ordered, That Leave be given to bring in a Bill accordingly.

Adjourned till Nine a Clock To-morrow Morning.

Ordered, That the Speaker sign the two Addresses to the Queen, which was done.

Ordered, That *Joseph Growdon*, and *Charles Read*, prepare an Address to the Proprietary, and give him the Thanks of this House for obtaining the Queen's Royal Approbation of the present Lieutenant Governor; but withal, to acquaint him of the Inconveniences and Disputes which the Salvo, or Reservation of his Assent to Laws pass'd here by his Lieutenant, hath occasioned.

The said *Joseph Growdon* reports, that the Address to the Proprietary was prepared according to the Order of this House, and delivered the same at the Table, where it was read and agreed to by the House, N. C. D. and signed by the Speaker.

Then the House adjourned to the nineteenth of the *Fourth Month* next, at Two a Clock in the Afternoon.

At which Time the House met. Whereupon the Bill for Confirmation of the Charter of Privileges, *&c.* was read the first Time, and committed.

Adjourned till Eight a Clock To-morrow Morning.

A Bill to prevent the Exportation of Beaver-skins, *&c.* was read the first Time, and committed.

A Bill for the Confirmation of the City Charter of *Philadelphia*, *&c.* was read the first Time, and committed.

A Bill for the Regulation of Courts was read the first Time and committed.

Adjourned till Eight a Clock To-morrow Morning.

The House resolved into a Committee of the Whole House, to inspect the Provincial Accounts, and to take further Consideration about the Tax of *One Thousasnd Pounds*.

Post Meridiem.

The Speaker assumed the Chair, and *Joseph Growdon* reported from the grand Committee, that they agreed to appropriate to the Lieutenant Governor *Four Hundred Pounds* of the Tax intended to be raised, and *One Hundred Pounds* to remain in Bank, to maintain a good Correspondency with the *Indians*, and to procure Intelligence from the Out Parts of the Province as there may be Occasion; the rest referred till further Consideration.

Isaac Norris, who, with *Joseph Wilcox*, was appointed to search the former Minutes of Assembly for the Provincial Accounts; as also to enquire of the Treasurer, *Samuel Carpenter*, concerning the same; and whether any Stock remained in his Hands? reported, That they having examined and viewed the Minutes and other Papers, found an Account dated in the *Eight Month*, 1701, whereby there remained then in his Hands, *Seventy-six Pounds*, odd Money.

Adjourned till Eight a Clock To-morrow Morning.

Ordered, That all Bills which are, or shall be prepared to pass into Laws, shall upon the first Reading be committed to the Perusal of certain Members, to be from Time to Time appointed by the Speaker to peruse the same, and to report to the House what Amendments they shall think proper; which Amendments being read and considered by the House, so many of them as shall be agreed to by the Majority of Votes, shall be inserted or fixed to the Bill; and when the Bills are so amended, and read the second Time, they shall be engrossed, and sent to the Governor for his Perusal; and if he thinks fit to propose any Amendments, the same shall be considered by the House before the Bill hath a third Reading.

The Bill for Confirmation of the Charter of Privileges, *&c.* was read the second Time, and with the Amendments made by the Committee, to whom it was referred, which was agreed to by the House; and the Bill, with the Amendments, was ordered to be engrossed, and sent to the Governor.

The Bill for Confirmation of the Charter of *Philadelphia*, was read the second Time, with the Amendments made by the Committee, to whom it was referred; which being agreed to

by the House, the Bill, with the Amendments, was ordered to be engrossed, and sent to the Governor.

Adjourned till Eight a Clock To-morrow Morning.

A Bill brought in to enable *Joseph Pidgeon* to make Leases of certain Lots in *Philadelphia*, belonging to his Children (who are Minors) was read the first Time, and committed.

A Bill brought in by *Martha Dale*, Relict of *Peter Dale*, deceased, to enable her and *William Sanders*, Son of *Charles Sanders*, Merchant, deceased, with *Sarah* his Relict, to make Partition of *Pennypack* Mills, and Lands belonging thereunto; and confirm certain Lands according to Contract between the said *Peter* and *Charles*, was read the first Time, and committed.

Resolved, That a Committee be appointed to consider of the two last Bills, and have Power to send for Persons, Papers and Records.

The Petition of *Elizabeth Sanders*, Relict of *John Sanders*, deceased, requesting Power to enable *Nathan Stanbury*, and *Edward Shippen*, Trustees for her late Husband's Estate, to make Sale of the same, to pay his Debts, *&c.* was read.

Ordered, That Leave be given to bring in a Bill accordingly.

Adjourned till the first Day of the *Sixth Month* next, at Nine a Clock in the Morning.

A MESSAGE *from the* Governor *and* Council *to the* Assembly.

"IT was somewhat unexpected by the Governor, That after an adjournment for three Weeks, the first Time he heard from the Assembly, was to know their Desire of adjourning for five Weeks longer. The Governor is very much inclined to believe it is from a Sense of a Necessity the Representatives find themselves under, upon account of their domestick Affairs; which, as he is at all Times very ready to favour, yet cannot but think of it with some Sense of Trouble, that there have been no greater Advances made in Business, considering so many Matters of Weight require their Application. However, the Governor will gratify the Desires of the Assembly, as far as he can possibly find consistent with the Discharge of his Trust; but first desires to speak with the House, Half an Hour after Eight in the Morning."

The Assembly's ANSWER to the Governor's Message, sent them the 23d of the *Fourth Month*, 1704.

May it please the Governor,

HAVING *considered the Message brought up this Afternoon, return for Answer, That our Inclination to adjourn proceeded from Necessity, not Choice; tho' we must take Leave to say, That had not our late Adjournment been one Week longer (at thy Instance) than we proposed, we had in all Probability finished the great and weighty Affairs under our Consideration before the approaching Harvest would have forc'd us to adjourn; which, nevertheless, we intend to return to the Dispatch of as soon as possible; and in the mean time would acquaint thee, that we have made a considerable Progress therein already, tho' there is so little as yet ready to be presented.*

This House resolves to wait upon the Governor To-morrow Morning, according to his Desire.

A Bill for better securing and confirming the Rights and Properties of the Inhabitants of this Province, was read the first Time, and committed.

Ordered, That a Clause be added to the said Bill, to ascertain and settle the Bounds of each County in this Province; and that *Andrew Job* acquaint the Secretary, that he order the Bounds of the said Counties to be brought to this House.

Jacob Taylor, who had the Surveyor General's Papers in his Keeping, brought the Draught of the circular Line dividing the Counties of *Newcastle* and *Chester;* and promised to use his Endeavours to get the Bounds of the other Counties.

Adjourned till Eight a Clock To-morrow Morning.

Ordered, That *Anthony Morris*, and *Tobias Dymmock*, repair to the Governor, and acquaint him, that the Assembly met Yesterday according to Adjournment, and proceed upon Business; and desire to know what is done concerning the Bill for Confirmation of the Charter of Privileges, formerly presentend to the Governor?

Ordered, That *Isaac Norris*, *Joseph Wood*, and *William Biles*, be a Committee to draw the Money Bill, and the rest of the Members to be a Committee of Grievances.

The Two Members sent to the Governor, returned, and acquainted this House, that they had delivered the Message to the Governor, and that he was pleased to tell them, he would get his Council together in the Afternoon, and then he could give an Answer to that Part of their Message relating to the Bill.

Ordered, That all Committees be continued; and then the House adjourn'd till Eight a Clock To-morrow Morning.

Anthony Morris reports from the Committee of Grievances, that several Petitions and Complaints were laid before them: some of which had been read in the House on the Twenty-fourth of the Month called *May* last; and being all read and considered by the Committee, it is their Opinion, that if the Bill for regulating the Actings and Proceedings of the Commissioners of Property, Survey or General's Office, and Secretary's Office, and the Bill for Regulation of Courts, and for ascertaining Officers Fees and Salaries, with the other Bills which this House ordered to be prepared, were passed into Laws, it would be a Means to prevent those Enormities for the future, which the Committee hoped would be satisfactory to the Complainants; which the House agreed to, and ordered that the said Bill be forthwith prepared and dispatched.

The Bill for better securing and confirming the Rights and Properties of the Inhabitants of this Province, was read the second Time, with the Amendments made by the Committee to whom it was referred; which being agreed to by the House, the Bill, with the Amendments, was ordered to be engrossed, and sent to the Governor.

Adjourned till Eight a Clock To-morrow Morning.

The House being called over, and after several Debates about the Regulation of Courts,

Adjourned till Eight a Clock To-morrow Morning.

The House met, the Members called over, and the Defaulters fined.

Ordered, That *Richard Hough*, *William Biles*, *Joseph Wood*, *John Bennet*, *Griffith Jones*, *Samuel Richardson*, and *Joseph Wilcox*, do attend the Governor with the Bill for better securing and confirming Rights and Properies, *&c.* this Afternoon, or sooner, if he be ready to receive it; and to know if the Governor hath any new Matter to communicate to this House from the Queen, or the Proprietary: and what Answer the Governor gives to the Bill for confirming the Charter of Privileges; and to know whether the Governor hath any Account of the confirmation of our Laws at Home?

Adjourned till the seventh Instant, at Two a Clock in the Afternoon.

Griffith Jones reports to this House, that he, and the rest appointed to wait upon the Governor the fifth Instant, did deliver their Messages according to Order; and that the Governor promised to send his Answer thereunto this Afternoon.

John Guest, and *George Roach*, two of the Governor's Council, came and acquainted this House, that the Governor's

Indisposition prevented his sending any Answer to the last Message from this House, but will dispatch it as soon as he can.

Adjourned till Eight a Clock To-morrow Morning.

The Regulation of Courts came again in Debate;—whereupon it is resolved, N. C. D. That the Courts of Common Pleas for Counties and Corporations, shall hear and determine all Actions and Plaints triable there, without Limitation of the Value of the Debts or Damages demanded.

Resolved also, That no *Capias ad Respondendum*, or Writs of Arrest, shall issue against any Freeholder, inhabiting this Province, who by the Constitution of this Government is made capable of electing, or of being elected a Member of Assembly.

Resolved also, That no *Capias ad Satisfaciendum*, or Execution against the Body of any Person in this Province, shall be awarded or issued forth, unless it be first testified by the Returns of the Writs of *Levari*, or *Fieri Facias*, to be duly made by the respective Officer to whom the same shall be directed, that the Party hath no Lands, Goods or Chattels in the respective Counties where those Writs or Testatums are to be executed.

This House being given to understand by several Members here present, That *John Guest*, one of the Governor's Council, had misrepresented the Proceedings of this Assembly, particularly upon the Bill for Confirmation of the City Charter of *Philadelphia*, presented to the Governor this Sessions, for his Perusal;

Ordered, That three Members, *viz. Joseph Wood*, *Joseph Wilcox*, and *Isaac Norris*, be appointed to draw up an Address to the Governor, concerning the Affronts and Indignity offered to this House, by the said *John Guest*.

Post Meridiem.

The Members appointed to draw up the said Address, report, that they had prepared the same accordingly, and delivered it at the Table, where it was read; and after some Amendments made, was agreed to by the House, and ordered to be transcribed, and signed by the Speaker: which Address follows in these Words, *viz.*

To JOHN EVANS, Esq; by the Queen's Royal Approbation Lieutenant Governor of the Province of *Pennsylvania*, and Counties annexed.

The ADDRESS of the Freemen of the said Province in Assembly met.

May it please the Governor,

We the Assembly, having, after considerable Time spent in the service of the Country, prepared and presented to the Governor for his Consideration, certain Bills to be passed into Laws, for the securing the good People of this Government in their just Rights, Liberties and Properties being in Expectation, that if any Thing were thought therein unreasonably urged, or wanted Explanation, the Governor would have taken seasonable Opportunities of signifying the same for us: and thereupon a Conference might be appointed between the Governor, or such as he might order on his Behalf, and a Committee of this House, which might have settled Matters satisfactorily between us; but so it is, that nothing of this Kind being effected, whilst we have patiently waited the Governor's Pleasure in the Premises, we are given to understand, that John Guest, *one of the Council, not having had due Regard to the Welfare and Prosperity of the People of this Province, nor to the Concord and Amity intended by this Assembly to be kept and maintained with the Governor, hath used Endeavours to render abortive our Labours and Care in the Premises, by representing our Proposals in the said Bills absurd, unreasonable and monstrous; and ridiculed us both publickly and privately, tending to the Dishonour of this House, and endeavouring to render us obnoxious to those we represent: Wherefore, whether such his Practices be contrary to the Rules of the Council-board, or the Oath or Attestations there taken, we shall not determine; but do earnestly desire, that the said* John Guest *may give Satisfaction to this House, and receive a just Rebuke for his abusive, false and scandalous Speeches and Behaviour toward us; which hath tended to our Discouragement in proceeding upon the other Affairs of Moment before us.*

Ordered, That Griffith Jones, Samuel Richardson, and *Tobias Dymmock*, present the said Address to the Governor; and desire to know, if he has considered of an Answer to the Message sent him from this House the fifth Instant.

The said Members returned, and acquainted this House, that they had presented the said Address to the Governor; and

that he told them, he would send an Answer to the said Message To-morrow Morning.

This House will To-morrow Morning resolve itself into a grand Committee of the whole House, to consider further of the Tax of *One Thousand Pounds.*

Adjourned till Eight a Clock To-morrow Morning.

Ordered, That *Joshua Hoopes*, and *Thomas Stevenson*, acquaint the Governor, that this House is ready to receive his Anwser to the Message sent him the fifth Instant.

They returned, and acquainted the House, that the Governor has his Fever upon him, but will send an Answer as soon as he can.

Whereupon the House resolved itself into a Committee of the whole House, and after some Time the Speaker resumed the Chair, and *Joseph Growdon* reports from the said Committee, that they had resolved to raise the said Tax, by *Two Pence per Pound*, and *Eight Shillings per Head;* and that *One Hundred Pounds* thereof shall be transmitted to certain Persons in *London*, pitched upon as Agents for this Province, to attend the Attorney, or Solicitor General, and Board of Trade, in order to obtain the Queen's Royal Approbation to our Laws; which Resolution of the said Committee was agreed unto by the House, N. C. D.

A Message from the Governor by three of his Council, *viz. William Trent*, *Caleb Pusey*, and *James Logan*, who acquainted this House, "That the Governor's Indisposition has delay'd his Answer to our Message of the fifth Instant; but now they give this House to understand, that the Governor has no Account from the Proprietary, whether our Laws are approved of by the Queen or not; and that the Governor had nothing from the Crown or Proprietary to lay before this House, save only a Letter from the Queen to himself, concerning the Court and Officers of Admiralty, which did not immediately concern this House; Nevertheless he sent it, and a Duplicate of the Letter he formerly communicated to us from the Board of Trade, with a late Letter from the Lord Viscount *Cornbury*, concerning the Quota of Men and Money for the Assistance of *New York:* And as to the Bill for Confirmation of the Charter of Privileges, they brought a Paper purporting a Proposal of certain Amendments thereof, which they delivered with the Bill, to the Speaker."

Ordered, That an Answer be drawn to the said Proposal of Amendments to the said Bill, and brought to the House To-morrow.

Adjourned till Eight a Clock To-morrow Morning.

A Bill to enable *Edward Shippen*, and *Nathan Stanbury*, to sell real the Estate of *John Sanders*, Brick-layer, deceased, to pay his Debts, and bring up his Children, and for the Support of the Widow, *&c.* was presented to the House, and read the first Time, and ordered to be read again next Week.

A Bill to enable *Thomas Stevenson*, and *Sarah*, his Wife, Relict and Administratrix of *Edward Pennington*, deceased, to sell Lands for the Payment of the said *Edward's* Debts, was presented to this House, and read the first Time, and ordered to be read again rext Week.

A Petition from *William Bawler*, against *Grimstone Boud*, was read; but it being about a Matter depending in the Provincial Court, this House refer the Consideration thereof to the Judges of that Court.

The Answer to the Governor and Council's Proposals of Amendments to the Bill for Confirmation of the Charter of Privileges, being prepared and presented to the House according to Order, was read; whereupon the House taking into Consideration, that the Import of what is proposed by way of Amendment, is destructive to the present Constitution came to these Resolutions, N. C. D. *viz.*

Resolved, That what is proposed for Amendment in the fourth and fifth Pages of the Bill, will render the said Charter useless and ineffectual, and bring an Odium upon the Proprietary, who granted this instead of other Charters, wherein were larger and greater Privileges granted to the first Adventurers and Purchasers of Land in this Province, which they expected (as it was their undoubted Right) to enjoy, as well as the Lands they bought: Therefore this House cannot admit of those Amendments; because they are also destructive to the present Constitution, by which the Representatives of the free People of this Province are now assembled, and are resolved to assert and maintain.

Resolved, That the Method of passing Bills by the Governor should be adjusted and settled; but whether the Governor thinks fit to be in Council or not at the passing of Bills, is submitted to him.

Resolved, That it is inconsistent with the late King's Letters Patent, and the said Charter of Privileges, that the Council (as now chosen) should have a Share in the Legislation, unless it be when the Government is in the Council; which this House agrees may be upon the Death of the Governor, unless other Provision be made by the Governor in Chief; and that

a Clause may be added to the said Bill for that Purpose.

Ordered, That the Substance of these Resolves be inserted in the said Answer, and presented to the Governor; which was done.

Adjourned till Nine a Clock To-morrow Morning.

A Message from the Governor, by two of the Council, *viz. Griffith Owen*, and *Samuel Carpenter*, who acquainted this House, "That the Governor desired a Conference with the whole House of Representatives this Morning about the said Bill and Amendments;—and that the Charge against *John Guest*, being as yet in general, the Governor could say little in Answer to the Address of this House on that Behalf."

—The Queen's Letter, with the other two Letters which the Governor sent to this House the ninth Instant, were sent back to the Governor by the said *Griffith Owen*.

The House having agreed to attend the Governor upon the said Conference.

Adjourned till four a Clock in the Afternoon.

The House met, and the Speaker reports the Substance of the Conference had with the Governor in Council; and after some Debate, the House came to this Resolve,

That to admit of a Power of Dissolution or Prorogation in the Governor, will manifestly destroy or frustrate the Elections settled by Charter, which is as a perpetual Writ, supported by the Legislative Authority of this Government, and will make Way for Elections by Writs grounded upon a Prerogative, or rather a Preeminence, which the Proprietary and his Deputy are by Charter debarred to resume: But this House thought fit to propose something by Way of Expedient, to limit and ascertain the Assembly's Sitting upon their own Adjournments; all which is referred to a Committee to draw up, by way of Address, to the Governor.

Adjourned till Eight a Clock To-morrow Morning.

The said Committee having prepared the said Address, delivered it at the Table, where it was read; and after some Amendments made, agreed to by the House, and ordered to be transcribed by the Speaker; which Address follows in these Words, *viz.*

To JOHN EVANS, Esq; Lieutenant Governor of the Province of *Pennsylvania*, and Counties annexed.

The ADDRESS of the ASSEMBLY of the said Province, sitting at *Philadelphia*, the 12th Day of *August*, 1704.

In all humble Manner sheweth,

THAT *this Assembly having taken into their serious*

Consideration the Matters Yesterday debated in the Conference, relating to the proposed Amendments to the Bill, intituled, An Act, for removing and preventing all Questions and Disputes concerning the Convening and Sitting of this Assembly, *&c. as also, for the Confirmation of the Charter of Privileges, do find nothing advanced that can reconcile the said Amendments to the Constitution of our Charter; and thereupon do come to this Resolve, That to admit of the power of Dissolution, or Prorogation in the Governor, will manifestly destroy or frustrate the Elections settled by the Charter, which is as a perpetual Writ, supported by the Legislative Authority of this Government, and will make Way for Elections by Writs grounded upon a Prerogative, or rather a Preeminence, which the Proprietary and his Deputy are by Charter debarred to resume.*

But to take off the Jealousies that may arise upon that Part of the Charter and Bill, which impowers us to sit upon our own Adjournments, we are willing to settle and limit the Time of Adjournment and Sitting; and in order thereunto, propose to the Governor.

That a Clause be added to the aforesaid Bill, That the Time of the Assembly's Sitting from the fourteenth of October, *Yearly, shall not exceed twenty Days, unless the Governor for the Time being and Assembly shall agree to a longer Time, and the Adjournment from that Time shall not be less than three Months; and so for every Time of Sitting, and every Adjournment within the Year, respectively.*

The Address being delivered to to the Governor, the House adjourned till the sixteenth Day of this instant *August*, at Two a Clock in the Afternoon.

The House met according to the last Adjournment, but in regard some of the Country Members were absent, by Reason of the Violence of the Wheather, and the Matter before the House being of Moment, the House adjourned till To-morrow at Two of the Clock in the Afternoon.

The House met, and the Members being called over, a Quorum appeared, but *William Biles*, *Joseph Growdon*, and *Jeremiah Langhorn*, came not; then the House entering upon the Consideration of the Affronts and Abuses given by *John Guest* to this Assembly,

Resolved, That the said *John Guest* be sent for by the Messenger, to answer the Premises at the Bar of this House.

The Messenger returned, and acquaints the House, that the said *John Guest* is not in Town.

The Minutes and Votes of Assembly, beginning the Twenty-fourth of the *Third Month* last, till this Day, were read; and ordered, that Copies thereof be signed by the Speaker, and published.

A Petition from *Thomas Godfrey*, concerning the Road in Difference, leading from *Toby Leech's* to *Germantown*, was read, and in regard the Matter complained of in this Petition, depends upon the Constructions of the Laws of this Province concerning the laying out of Roads,

It is ordered, That the said Laws about Roads be referred to a Committee for Explanation.

Adjourned till Ten a Clock To-morrow Morning.

The House met and the Members being called over, appeared.

The Bill for Regulation of Courts, *&c.* was read a second Time, and referred to the further Consideration of the Committee, *viz. Joseph Growdon, Nicholas Waine, Isaac Norris, Nicholas Pile, William Biles, Griffith Jones*, and *Andrew Job*.

Adjourned till Three a Clock in the Afternoon.

The House met and the Members being called over, appeared.

Ordered, That *Anthony Morris, Joseph Wilcox*, and *Tobias Dymmock*, go to the Governor, and acquaint him, that the House desired to know if he has considered of the Bills before him; and whether he thinks to compleat any Thing this Session?

The said Members returned, and report, that they had delivered their Message to the Governor; who told them, "That he could not give any Answer to that Bill for Confirmation of the City Charter, till the Bill for Regulation of Courts was also brought before him for his Consideration. The Governor is very desirous to perfect the Business of this Sessions, and hopes, upon Judge Mompesson's coming to Town (whom he expects this Night) to have a Council, and consider further of the Bills before him; and will also then give Answer to the last Address of this House."

Adjourned till Eight a Clock To-Morrow Morning.

The House met and the Members being called over, appeared.

William Biles reported from the Committee to whom the Bill for Regulation of Courts was referred, that they had made some Progress therein; and moved, that the same may be debated into a Committee of the whole House.

Then the House resolved into a Committee of the whole House, to consider of the same Bill.

The Speaker assumes the Chair, and *Joseph Growdon* reports from the Committee of the whole House, that they had made several amendments, which he delivered in at the Table,

where the same were read unto by the House; And it was also agreed, that a Committee be appointed to confer with the Governor about the Clause in the said Bill, concerning the Exemption of the People called *Quakers* from Swearing; and for permitting the Affirmation to pass instead of an Oath.

Whereupon *William Biles*, *Andrew Job*, *Isaac Norris*, and *Joseph Wilcox*, were appointed to wait upon the Governor accordingly.

James Logan, in a Message from the Governor acquainted this House, That the Governor desired a Sight of the Charter of Privileges; which Request the House took into Consideration; and the Speaker told the Secretary, that the said Charter is upon Record in the Roll's Office, where he might get an authentick Copy thereof: And afterwards it was resolved, N. C. D. That the said Charter of Privileges shall be delivered up by the Master of the Rolls to the Speaker of this Assembly, to be by him kept till further Orders.

Adjourned till the Twenty-first Day of this Instant.

The House met and the Members being called over, appeared.

William Biles reported from the Committee (appointed to confer with the Governor concerning Affirmations to pass instead of Oaths) that they had waited upon the Governor, where Judge *Mompesson* was present, who delivered his Opinion, That it is more proper to take that Clause about Affirmation out of the Bill for Regulation of Courts, and insert it in a Bill by itself for that Purpose; which the Governor did not gainsay, but promised to use his Endeavours to get such a Bill to pass at Home.

William Biles also acquainted this House, that *Nathaniel Puckle* had a Letter from the Proprietary, to be communicated to several Persons here, encouraging them to insist upon the Privileges of their Charter and Laws, and not tamely give them up; and instanced what Advantage it has been to the people of *Rhode-Island*, *Connecticut*, and other Proprietary Governments, to assert their Rights, *&c.*

Ordered, That a Bill be drawn by itself for the Affirmation to pass instead of an Oath here; and that the Bill for Regulation of Courts be modelled accordingly; and that the enumerated Crimes made cognizable in the Provincial Courts, be made triable by special Commissions.

Adjourned till Nine a Clock To-morrow Morning.

The House met and the Members being called over, appeared.

Ordered, That *Joseph Wilcox*, *William Biles*, and *Jeremiah Langhorn*, draw up the Bill for the Affirmation to pass for an Oath; and then the House

Adjourned till Four a Clock this Afternoon.

The House met and the Members being called over, appeared.

Judge *Mompesson* came and acquainted this House, that he is sorry he could not sooner attend the Service of the Assembly; but is now ready to peruse the Bills before the Governor, or which may be presented to him this Session.

Ordered, That *Joseph Wilcox*, and *Joseph Wood*, go along with the Speaker to the Judge's Chamber To-morrow Morning, in order to clear what Objections may be raised upon those Bills which he has to peruse: and that they give him the Thanks of this House, for his kind Tenders of Service and Assistance to this Assembly.

Resolved, That this House will resolve itself into a Committee of the whole House To-morrow Morning at Eight a Clock; and then the House.

Adjourned till To-morrow Morning at Two a Clock in the Afternoon.

The House met and the Members being called over, appeared.

William Biles reported from the Committee appointed to prepare a Bill for the Affirmation to pass instead of an Oath, that they had prepared the said Bill; which he presented, and the same was received by the House, and read the first Time, and ordered a second Reading.

Ordered, That the Bill for raising the Tax of *One Thousand Pounds*, according to a late Resolution of this House, be speedily brought in; and, that *Richard Hough*, *Tobias Dymmock*, and *Nicholas Pile*, be added to the Committee formerly appointed for that Purpose.

Adjourned till Nine a Clock To-morrow Morning.

The House met and the Members being called over, appeared.

Ordered, That *Andrew Job*, and *Robert Carter*, wait upon the Governor, to know whether he had come to any Result upon the Subject matter of the last Conference, concerning the Points of Prorogation and Dissolution?

Who returned, and *Andrew Job* reported, they had delivered their Message; and that the Governor intends to send an Answer in the Afternoon.

Adjourned till Three a Clock in the Afternoon.

The House met and the Members being called over, appeared.

Isaac Norris reported from the Committee appointed to prepare the Money Bill, that they had made some Progress therein, and presented a Draught thereof, which was read, and debated in the House, and ordered to be read again.

Judge *Mompesson*, *Samuel Carpenter*, and *James Logan*,

brought a written Message from the Governor, in these Words, *viz.*

From the GOVERNOR *in Council, to the* ASSEMBLY.

"THE Governor, upon the best Advice he can have upon the Point of Dissolution and Prorogation, cannot be of Opinion that the Proprietary has granted away that Power; and that therefore it is very unsafe for him to do it. He is very unwilling to have any Misunderstanding with the Assembly; and shall always be inclinable to make Things easy in this, as well as other points, and desires to leave it till further Directions can be had from *England;* to which he thinks it is fit the Matter should be referred: And in the mean Time recommends to the Assembly, to proceed to the Dispatch of such other Business of Importance as lies before them, and the Exigencies of the Government necessarily require; and to which the Opportunity now presented to them ought to invite and encourage them."

And the said *James Logan* acquainted this House, that the Governor would know who had informed this House, "That the Governor would do nothing this Session, let the Assembly sit as long as they pleased?"

It was answered by the Speaker, that this House was informed by one of the Members of Assembly, *That* William Rodney, *one of the Governor's Council, had spoken Words to that Effect.*

Ordered, That *Joseph Wilcox* draw an Answer to the said written Message, and bring it to the House To-morrow.

Adjourned till Eight a Clock To-morrow Morning.

The House met and the Members being called over, appeared.

Resolved, N.C.D. That the Thanks of this House be given to the Governor, for his Care in Causing *Nicholas Gateau*, the *French* Cook, to be apprehended, considering what dangerous Consequences his going to *Canada* might have been to this Province.

William Slooby being sent for, came, and gave an Account to this House, how the said *Gateau* was taken, and who he thought were his Accomplices.

Ordered, That *Anthony Morris*, and *Joseph Wood*, so wait on the Governor, and give him the Thanks of this House according to the above Resolve; and acquaint him, that it is the humble Request of this House, that he may cause the said *Gateau's* Accomplices to be secured.

The Bill for the Affirmation to pass instead of an Oath being read the second Time and pass'd, was ordered to be engrossed, and sent to the Governor for his Concurrence.

The Bill for Regulation of Courts was again read, and resolved, N. C. D. That a Clause be added to the said Bill for enabling the respective County Courts to prove Wills, and grant Letters of Administration; and that another Clause be likewise added to the said Bill, for prescribing a Method to sue the Proprietary in the Courts of this Province, when there may be Occasion.

Adjourned till Three a Clock in the Afternoon.

Joseph Wilcox, who was apponted to draw an Answer to the Governor's last Message, reports, that he had prepared the same accordingly; the which he delivered at the Table, where the same was read, and after some Amendments agreed to by the House, and ordered to be transcribed, and signed by the Speaker, and presented to the Governor: which follows in these Words, *viz.*

To JOHN EVANS, Esq; Lieutenant Governor of the Province of *Pennsylvania*, and Counties annexed.

The ADDRESS of the Representatives of the Freemen of the said Province in ASSEMBLY met.

Humbly sheweth,

THAT *we have taken into our serious Consideration thy written Message Yesterday, relating to the Bill for Confirmation of the Charter of Privileges, &c.*

And since the Points of Dissolution and Prorogation are by thee asserted, and the Power of this Assembly to sit upon their own Adjournments, first brought into Question by the Council in October *last, which occasioned us to proceed thus far in explaining and settling our Constitution by Charter; we conceive we cannot safely let it drop at this Time (and remain disputable) without Violation of, or Injury to, our said present Constitution; and consequently it will not be so proper to proceed to the Dispatch of other Affairs of Importance before us, whilst our Foundation remains unsettled.*

That allowing what one of the Members of Council who came with the Message was pleased to observe to us, That the Proprietary had not given away the Power of Dissolution, &c. by the Charter (in express Words:) *yet that it could not be intended to be reserved by him, seems evident to us for the following Reasons.*

First, *Because it could at no Time be put in Practice, without frustrating the very Design of the Grant, That we should have an annual standing Assembly.*

Secondly, *That whenever a Dissolution should happen, the Governor not be capable to call a new One by Writ, as the same Member of Council rightly observed, the remaining Part of that Year the Province must be destitute of an Assembly, and the Governor of Power to call One, whatever Commands from the Crown or other extraordinary Occasions may happen, unless (as the said Member was pleased to observe) by some such Means as would need the Power of a subsequent Assembly, to confirm all that they should have Occasion to act or do.*

Thirdly, *That the Proprietary, in the Preamble of this present Charter, having been pleased to remember and acknowledge his Promise made to the Assembly upon the Delivery of the former Charter, that he would either restore us that or another better adapted to our Circumstances: Therefore, in Assurance of his good and sincere Intentions, this Charter must be such an One.*

Fourthly, *By the former Constitution, it is very plain there could be no Dissolution; because the same Members of Assembly, and no others, were liable to be called at any Time within the Year: And in many Years Experience, no Inconveniency found to arise thereby, nor was that any controverted Point between the Proprietary and the People; for the rectifying whereof another Charter was thought necessary, but other Matters not unknown to some of the Council.*

Fifthly, and lastly, *As a clear Proof that the Proprietary never intended to reserve the Power of Dissolution, it may be remembered, that at the Close of the Sessions of Assembly, in the Year* 1701, *when the Members being then chosen by Writs, requested a Dissolution, the Proprietary answered, He would not do it; nor could he answer it to the Crown, to leave the Province without a standing Assembly.*

Upon the Whole, we take Leave to inform thee, That since this Assembly (having long waited in hopes of the passing of this, with other Bills lying before thee) is much straitened in Time, the Season of the Year urgently calling most of the Members from their Attendance; and considering the Governor's great Indisposition is an Obstruction of Buisness; and that another Election is now near at Hand; that it is the Inclination and Desire of this House, that all other Business might be waved till the Meeting of the next Assembly; and that in the mean time, the Governor would be favourably pleased further to consider the aforesaid Points.

Adjourned till three a Clock in the Afternoon.

Ordered, That the Votes and Minutes of this Assembly be drawn up by the Speaker as soon as he can; and when they are ready, he is to take the Advice of *William Biles*, *Joseph Wilcox*, *Anthony Morris*, *Isaac Norris*, *Joseph Wood*, *Griffith Jones*, and *Samuel Richardson*, or as many of them, or others of the Assembly, as can conveniently be consulted, about the Publication of the said Votes.

Ordered, That a Representation be made to the Proprietary, which is to be prepared by the Speaker, *Isaac Norris*, and *Joseph Wilcox*, and brought to the House To-morrow Morning; in which Representation, they are to deal plainly with the Proprietary, concerning the Privileges and Immunites he promised the People of this Province; and how inconsistent and repugnant thereunto is his Commission to his present Deputy, as well as his former Orders and Proceedings in the Administration of this Government; and how the People of this Province are wronged and deprived of those Privileges; and how they are injur'd in their Properites; and what Inconveniences have happened, by Occasion of the Proprietary's not passing the Bill for regulating Officers Fees, proposed to him by the Assembly, in the Year 1701.

Anthony Morris and *Joseph Wood* acquainted this House, that they had been to wait upon the Governor, whom they found very sick; but they delivered their Message, and left with him the Bill concerning the Affirmation, *&c.* as they were order'd this Morning.

Adjourned till Ten a Clock To-morrow Morning.

The House met, and the Members being called over, a Quorum appeared.

Ordered, That *William Paxton*, *Samuel Richardson*, *Griffith Jones*, and *Andrew Job*, do wait upon the Governor with the Address prepared and agreed Yesterday to be sent him, in Answer to his last written Message; who returned, and acquainted the House, that they found the Governor very ill; but he desired the Assembly not to adjourn yet, for he had some-thing more to communicate to them.

Joseph Wilcox reports, That *Isaac Norris*, and himself with the Speaker, had made but small Progress in drawing the Representation to the Proprietary, by Reason the House required their Attendance, and so could not finish the same; but inasmuch as the Adjournment was so nigh, the House came to this Resolve, *viz.*

That the Subject Matter of the said Representation should be drawn up forthwith, which was done in Manner following, *to wit.*

First, THAT the Proprietary at the first Settling of this Province, promised large Privileges, and granted several Charters to the People; but by his Artifices brought them all at his Will and Pleasure to defeat.

Secondly, That Dissolution and Prorogation, and calling Assemblies by his Writs, impowered, by his Commission to his present Deputy, and his Orders to his former Deputies and Commissioners of State, are contrary to the said Charters.

Thirdly, That he has had great Sums of Money last Time he was here, for negotiating the Confirmation of our Laws, and for making good Terms at Home for the People of this Province, and ease his Friends here of Oaths, *&c.* but we find none of our Laws are confirmed, nor any Relief against Oaths; but an Order from the Queen to require Oaths to be administered, whereby by the *Quakers* are disabled to sit in Courts.

Fourthly. That there has been no Surveyor General since *Edward Pennington* died, but great Abuses by Surveyors, and great Extortions by them and the other Officers concerned in Property, by Reason of the Proprietary's refusing to pass that Law proposed by the Assembly, in 1701, to regulate Fees, *&c.*

Fifthly, That we are like to be remediless in every Thing that he hath not particularly granted, or made express Provision for; because the present Deputy calls it a great Hardship upon him, and some of the Council urge it as absurd and unreasonable to desire or expect any Enlargement or Explanation by him, of what the Proprietary granted.

Sixthly, That we are also left remediless in this, that when we are wronged and Oppressed about our civil Rights by the Proprietary, we can't have Justice done us; because the Clerk of the Court being of his own putting in, refuses to make out any Process; and the Justices by and before whom our Causes against him should be tried, are of his own Appointment; by means whereof, he becomes Judge in his own Case, which is against natural Equity.

Seventhly, That Sheriffs, and other Officers of the greatest Trust in this Government, which the Proprietary hath commissionated, being Men of no visible Estates; and if any of them have given Security, it was to himself; so that the People whom these Officers have abused and defrauded, can reap no Benefit of such Security.

Eighthly, That altho' the Commissioners of Property have Power by their Commission to make Satisfaction where People have not their full Quantity of Land according to their Purchase, yet they neglect and delay doing Right in that Behalf.

Ninthly, That we charge the Proprietary not to surrender the Government, taking Notice of the Intimation he had given of making Terms, *&c.* and let him understand how Vice grows of late.

Which Heads or Particulars being read, were agreed to by the House, N.C.D.

Ordered, That the said Representation be drawn up according to the said Heads; and that the Members who are to peruse the Minutes shall peruse this Representation; and the same shall be signed by the Speaker, and sent to the Proprietary by the first Opportunity.

Ordered, That the Speaker draw a Bill of the particular Charge of drawing and coping the Bills, Addresses, Votes, and other Writings by him done for the Service of this Assembly; as also of the Time of his Attendance therein; and that the same be examined and allowed by the Persons appointed to assist him in examining the Votes of this Assembly, according to their Discretion.

Ordered, That the Speaker sign a Note to the Members of this Assembly for their Wages; as also to the Clerk for his Wages.

Ordered, That the Speaker draw up a Bill upon *William Biles* for *Three Pounds Five Shillings*, in full for the Doorkeeper's Wages; and then the House.

Adjourned till new Summons.

JOHN EVANS, Esq; GOVERNOR.

At an ASSEMBLY, *held in* PHILADELPHIA, *the Fourteenth Day of* October, Anno Domini, 1704.

THE Representatives of the Freemen of this Province of *Pennsylvania*, being according to Charter elected on the second Day of this instant *October*, the first Day falling on the Day called *Sunday*, and the Sheriffs of the respective Counties having by Indentures returned into the Secretary's Office the Names of all the Members chosen to serve in this Assembly, and the Secretary having sent Copies of the said Indentures. and thereupon the said Members being called over, a Quorum of them met this Day at *Philadelphia* aforesaid, and chose *David Lloyd* Speaker of this Assembly, and went in a Body to the Lieutenant Governor, and acquainted him therewith; and afterwards returned to the House, and adjourned till the next Second Day of the Week, being the sixteenth Day of this Instant, at Ten a Clock in the Morning.

At which Time the House met, and the Members were called over as followeth, *to wit.*

Philadelphia *County.*	Bucks *County.*	Chester *County.*
David Lloyd, Speaker	*William Biles,*	*Nicholas Pile,*
Reese Thomas,	*Joseph Growdon,*	*John Bennet,*
Everard Bolton,	*John Swift,*	*Nicholas Fairlamb,*
Joseph Wilcox,	*Richard Hough,*	*Joseph Coebourn,*
Joshua Carpenter,	*Jeremiah Langhorn,*	*John Hood,*
Edmund Orpwood,	*Henry Paxton,*	*Richard Hayes,*
John Roberts,	*Thomas Watson,*	*Joseph Wood,*
Francis Rawle.	*Peter Worral.*	*Isaac Taylor.*

City of Philadelphia.

Thomas Masters, *Charles Read.*

Who all appeared except *Nicholas Fairlamb.*

Whereupon the Declarations and Tests prescribed by Acts of Parliament, and agreed upon by the last Assembly, for Qualification of Representatives, were read and subscribed by the Speaker in his Chair, and by all the Members present, according to Order; which Declarations and Tests are as followeth.

W E whose Names are hereunto subscribed, elected Representatives by the Freemen of the respective Counties in this Province of *Pennsylvania*, and the City of *Philadelphia*, in Pursuance of the Proprietary's Charter, to serve in Assembly, do each of us for himself sincerely promise, and solemnly declare before God and the World, That we will be faithful, and bear true Allegiance to Queen ANNE: And we do solemnly profess and declare, That we do from our Hearts abhor, detest and renounce, as impious and heretical, that damnable Doctrine and Position, that Princes excommunicated, or deprived by the Pope, or any Authority of the See of *Rome*, may be deposed or murdered by their Subjects, or any other whatsoever: And we do declare, that no foreign Prince, Person, Prelate, State or Potentate, hath, or ought to have any Power, Jurisdiction, Superiority, Preeminence or Authority, ecclesiastical or spiritual, within the Realm of *England*, or the Dominions thereunto belonging.

And we, and each of us, do solemnly and sincerely in the Presence of God profess, testify and declare, That we do believe, that in the Sacrament of the Lord's Supper there is not any Transubstantiation of the Elements of Bread and Wine into the Body and Blood of Christ, at, or after, the Consecration thereof, by any Person whatsoever.

And that the Invocation, or Adoration of the *Virgin Mary*, or any other Saint, and the Sacrifice of the Mass, as they are now used in the Church of *Rome*, are superstitious and idolatrous.

And we, and each of us for himself, do solemnly in the Presence of God profess, testify and declare, That we do make this Declaration, and every Part thereof, in the plain and ordinary Sense of the Words read unto us, as they are commonly understood by *English* Protestants, without any Evasion, Equivocation, or mental Reservation whatsoever; and without any Dispensation already granted to us for this Purpose by the Pope, or any other Authority or Person whatsoever; or without Dispensation from any Person or Authority whatsoever; or without believing that we are, or can be acquitted before God and Man, or absolved of this Declaration, or any Part thereof, altho the Pope, or any other Person or Persons, or Power whatsoever, should dispense with, or annul the same, or declare that it was null and void from the Beginning.

And we, and every one of us, do profess Faith in God the Father, and in Jesus Christ his eternal Son, the true God, and in the holy Spirit, one God, blessed for evermore; and we do, every one of us, acknowledge the holy Scriptures of the Old and New Testament, to be given by divine Inspiraton.

And then the House adjourned till Three a Clock in the Afternoon.

The House met, the Members being called over, appeared all but *Nicholas Fairlamb*.

Ordered, That *Joseph Growdon*, *Joseph Wilcox* and *Charles Read*, do wait upon the Governor, and acquaint him, that the Representatives are met in a full House, qualified and ready to go on with Business; and to receive what he may think fit to communicate concerning this present Service.

They returned, and acquainted the House, that they delivered their Message according to Order, and that the Governor desired a Copy of the Qualification of the Members of this Assembly.

A Message from the Governor by *William Trent*, and *Caleb Pusey*, to desire a Copy of the said Qualifications, which is ordered to be sent to the Governor To-morrow.

Adjourned till Ten a Clock To-morrow Morning.

The House met, and the Members being called over, a Quorum appeared.

Ordered, That *John Bennet*, and *Isaac Taylor*, do wait upon the Governor with a Copy of the Qualification.

Who returned, and acquainted the House, that they delivered the same to the Governor accordingly; and that he told them, he would have his Council ready in a short Time, and then would proceed to Business.

Ordered, That *Joseph Wood*, and *Reese Thomas*, do wait upon the Governor, to know if he has any Thing to propose to this Assembly?

They returned, and acquainted this House, that the Governor desired to speak with the Assembly forthwith.

Resolved, That the whole House attend upon the Governor; and accordingly the Speaker, with the House, went to the Governor.

And being returned, the Speaker reported, that the Governor had made a Speech to this House, and that he was pleased to deliver him a copy thereof, which the Speaker ordered to be read, and is as followeth.

GENTLEMEN,

"I MUST take Notice to you, and I cannot do it but with very great Concern, that notwithstanding by hearty Desires and utmost Efforts for the publick Service, Time has hitherto been wholly lost, and favourable Opportunities of providing for the Exigencies of the Government, and making good an wholsome Laws for the Security and Happiness of the People, and other Matters of Importance, which I recommended to the last Assembly's Care and Consideration.

Gentlemen, as nothing hitherto has been done, the same Things remain still to be recommended now to you as were before.

In the first Place, to consider well that nothing can import more to the Safety and Happiness of a Government, than well regulated Legislative Powers, and a due Administration of Justice: as fair an Opportunity of effectually establishing which still offers to you as can be wished; and as I am duly invested with full Powers to enact with you whatever Laws shall be thought for the general Good, so you shall always find in me a ready Concurrence thereto.

I likewise laid before the last Assembly (as I now recommend the same to you) Her Sacred Majesty the Queen's Commands to this Province, relating to the Sum mentioned in the late King's Letter to help towards the defraying such Charges as the Government of *New-York* is necessarily obliged to bear for our common Interest and Safety, with other Her Majesty's repeated Commands on that Head, by several

Letters come to my Hands; all which I shall be ready to lay before you in fit Time.

Gentlemen, Another Matter I shall earnestly recommend to your (as I did to the former Assembly's serious Consideration, which is the Necessity of supporting and maintaining the Dignity of Government in all its Branches; a Duty indispensibly incumbent upon those who are so nearly concerned in it as you who are intrusted by the People in so large a Share of Legislation; and without which, no Wheel of Government can Move: For, Gentlemen, 'tis not only that Governors can't answerably live as becomes, but no Exigence of State whatsoever can be prevented, or timely answered, without it.

Gentlemen, There is another Thing will demand your Care and Thoughts; which is, that all due Regard and caution be had to the *Indians*, and in particular Manner to those who are suffered to go among them; for some late Circumstances give us Occasion to provide, that those who are concerned with them, be Persons hearty to the *English* Interest and Government.

What else there may be of Moment and necessary, will naturally call for your Assistance: However, this is what at present occurs.

Whatever it has been that has hitherto rendered all our late Endeavours for the common Good abortive and ineffectual, I shall not touch upon: I doubt not, Gentlemen, but you are truly sensible with me, that Things of so great Moment as I have laid before you, essential to the very Existence as well as the Well-being of a Government, ought to claim your chiefest and first Thoughts; and that you are come together with a full Resolution forthwith to proceed to such Business without Delay.

I promise you, Gentlemen, I shall never recommend any Thing to you, but what shall be suitable to my earnest Wishes for the Welfare and Prosperity of the Country; and I heartily entreat, that nothing may appear but a publick and disinterested Spirit in every one becoming the Characters you bear; on my Part, you shall ever find me devoted to the publick Service, firm to my Duty, and the Trust reposed in me by the Queen and the Proprietary, and your hearty Friend on all Occasions. I desire no Surmises may be entertained, nor such Reports as some have industriously spread to my Disadvantage, be hearkened to."

Which Speech being read, and ordered to be read again this Afternoon,

Adjourned till Three a Clock in the Afternoon.

The House met, and the Members being called over, all appeared except *Thomas Masters.*

Whereupon the Governor's Speech was read again, and ordered to be read again To-morrow Morning.

Adjourned till Nine a Clock To-morrow Morning.

The Huse met, and the Members being called over, appeared.

Ordered, That *Joseph Growdon*, *Joseph Wilcox*, and *Nicholas Pile*, be a Committee to draw up an Answer to the Governor's Speech, and return to the House, at Three a Clock this Afternoon.

The Bill for Confirmation of the Charter of Privileges, which passed this House at the last Assembly, was read; and ordered to be read again the twentieth Instant.

The Bill of Property was read; as also several Petitions exhibited to the last Assembly, and ordered to be read again.

Adjourned till Two a Clock in the Afternoon.

The House met, and the Members being called over, a Quorum appeared.

The Committee appointed to draw up an Answer to the Governor's Speech, came and acquainted the House, that they had prepared the same accordingly; which was read, and after some Amendments, was agreed to by the House, N. C. D. and

Ordered, to be copy'd and sign'd by the Speaker, in order to be sent to the Governor; which Answer is as followeth.

To the Honourable JOHN EVANS, Esq; Lieutenant Governor of the Province of *Pennsylvania*, and Counties annexed.

The ADDRESS of the Representatives of the Freemen of the said Province in General Assembly met.

May it please the GOVERNOR,

WE *having taken into our most serious Consideration thy Speech Yesterday made to us, return all due Acknowledgments for the kind and favourable Promises and Assurances thou art pleased to give us, of thy ready Concurrence in enacting with us such Laws as shall be thought for the general Good; and do hope we shall bend our utmost Endeavours to the publick Service, since so fair an Opportunity seems presented to us; and altho' we can't but with thyself be under a great Concern, that so much Time has of late been spent to so little Purpose, yet forasmuch as we have not had Time to inform ourselves sufficiently where to place that great Neglect, we must take Leave to be sparing herein on that Head; only would observe, that by the short View we have had of the*

Minutes of the last Assembly, we find divers Bills of great Moment had pass'd the House, and were sent to thee for thy Concurrence.

We are heartily of thy Opinion, that nothing can be more conducive to our Good, than well regulated Legislative Powers; and accordingly shall endeavour the well-settling and regulating the said Powers in the first Place, as being the Foundation of the Superstructure; and therefore ought to be well laid. As to what thou art pleased to intimate of the Queen's Majesty's Commands to this Province for, or touching our Assistance of New-York, *we can only at present refer to the last Assembly's Answer; and withal to add, that when thou shalt be pleased to lay before us those Letters and Papers intended by thy Speech, we may be more capable of judging what further Answer to give thereunto.*

We are very sensible of the Necessity of supporting and, maintaining the Dignity of the Government, and accordingly are unanimously resolved to do our Parts, so far as we are capable, towards it; which we shall testify by making suitable Provision in due Time.

As to that of the Indians, *we are of the Mind that Care ought to be taken, that none but Persons heary in the* English *Interest, should be allowed to trade with them, or go among them, if possible, and shall with all convenient Speed consider of the best Expedient for effecting it; as also, of what Regard may be proper to be had to the* Indians *themselves.*

And what other Matters of Moment may claim our Assistance, we hope we shall have all due Regard to; but since we perceive thou are not inclin'd to touch upon the Causes which rendered the last Assembly's Endeavours unsuccessful, we shall wave it likewise at present, hoping a better issue will crown the Endeavours of this Session; hereby assuring thee of our Resolution and Readiness to proceed to the Business and Affairs of Moment, with all possible Speed and Alacrity.

We cannot but give thee our hearty and repeated Thanks for thy Promise, and good Wishes for the Prosperity of the Country, and the Expectation thou hast given us of thy Readiness to serve the Publick; as also of thy firm and steady Adherence to thy Duty, and the Trust reposed in thee by the Queen and Proprietary: We assure thee, that we are ready and willing to do what is proper on our Parts; and shall give ample Demonstrations, that as we are now convened on the Behalf of the Publick, so their Welfare and Tranquility (and not any private or sinister Design) is, and shall be, our chief Aim.

Thy caution That we entertain no Surmises (by which we suppose is meant evil Ones) we think might have been spared; and if any false Reports have been spread to thy Disadvantage, as we are heartily sorry, so we are wholly ignorant thereof; and do assure thee of our Readiness to discountenance any such in whomsoever it may appear, when we shall happen to be acquainted therewith.

Upon the Whole, we intreat, that as thou hast given us this Caution, thou wouldst be pleased also thyself to exercise Charity both towards us, and the preceding Assembly; and not countenance any scoffing Humourist, reproaching the Proceedings of the Representatives of this Province.

Joseph Growdon desired Leave to be absent for two Days upon urgent Business, which was granted accordingly.

Adjourned till Nine a Clock To-morrow Morning.

The House met, and the Members being called over, a Quorum appeared,

Ordered, That *Isaac Taylor*, and *Peter Worral*, do wait upon the Governor with the Assembly's Answer to his Speech.

They returned, and acquainted the House, that they delivered the said Answer to the Governor accordingly.

The Bill for Confirmation of the City Charter of *Philadelphia*, being read a second Time at the last Assembly, and ordered to be engrossed, and presented to the Governor, being now read, it is ordered to be read again.

The Bill for the Affirmation to pass in Lieu of Oaths (which was read and presented to the Governor at the last Assembly) being now read, is ordered to be read again.

The Representation ordered by the last Assembly to be sent to the Proprietary being now read, is ordered to be read again.

Adjourned till Three a Clock in the Afternoon.

The House met, and the Members being called over, a Quorum appeared.

Ordered, That *Nicholas Pile*, and *John Swift*, do wait on the Governor, to know what Answer he is pleased to give to the four Bills presented to him by the last Assembly; as also his Answer to the last Address then made to him.

They returned, and acquainted the House, that they delivered their Message according to Order; and that the Governor Promised to send his Answer forthwith.

Adjourned till Nine a Clock To-morrow Morning.

The House met, and the Members being called over, a Quorum appeared.

Ordered, That a Copy of the Governor's Speech, and the Assembly's Answer, be sent to the Coffee-House.

A Message from the Governor, by *Thomas Story*, and *Richard Hill*, was read; which is as followeth, *viz.*

A MESSAGE *from the* GOVERNOR *and* COUNCIL. *to the Representatives of the Province of* Pennsylvania.

"THE Governor and Council do conceive the Request of the House by their last Message, wherein this present Assembly desire an Answer to an Address of a former, not to be in a regular Method, till it shall appear, that the Matter of the said Address be more expressly made the Opinion of this present House; which when the Governor shall understand, he will be ready to answer."

The Bill for Confirmation of the Charter of Privileges being read a second Time, and debated by Paragraphs, it is ordered to be committed to *Joseph Wilcox*, *Thomas Masters*, *John Swift*, and *Isaac Taylor;* and agreed, that a Clause be added for regulating Elections, and for qualifying Sheriffs and Coroners that shall be chosen and presented to the Governor, and ought by him to be commissionated according to the Charter; and another Clause containing the Expedient proposed by the last Assembly about sitting upon their own Adjournments; and a Clause to settle the Government upon the Death of the Governor.

Ordered, That *Joseph Wood* draw up an Answer to the Governor's last Message;

And then the House adjourned till Two a Clock this Afternoon.

The House met, and a Quorum appeared.

Joseph Wood., who was appointed to draw up and Answer to the Governor's said Message, reported, that he had prepared the same accordingly; which was read, and after some Amendments agreed to by the House, and is as followeth.

To JOHN EVANS, Esq; Lieutenant Governor of the Province of *Pennsylvania*, &c.

The ADDRESS of the Representatives of the said Province in GENERAL ASSEMBLY met.

Humble sheweth,

THAT *the said Representatives (finding by the Minutes of the last Assembly, that the Answer in the last Address of the said Assembly, was requested to be given to this present Assembly) cannot but be of Opinion, that the desiring of the said Answer was of Necessity to them, that thereby they might*

be informed what the Governor's Thoughts might now be, upon those Points in that Message referred to be now answered: and so cannot take the present Message sent them, as an Answer to their Request.

Therefore, we again desire to know thy Answer directly to the said Message, which was as well concerning the Bills lying before thee, as the aforementioned Address.

Ordered, That the said Answer be transcrib'd, signed by the Speaker, and sent to the Governor; which was done accordingly.

And then the House adjourned till Nine a Clock To-morrow Morning.

The House met, and the Members being called over, a Quorum appeared.

A Complaint being made by *Joseph Growdon*, one of the Members of this House, against one *Johannes Lawrence*, for Breach of Privileges, by assaulting the said *Joseph Growdon* on the High-way, as he was going home from this House;

Ordered, That the said *Johannes Lawrence* be sent for in Custody of the Messenger, to answer the Premises at the Bar of this House; where he being brought, made his Submission both to the said Member, and also to the said Assembly, to the Satisfaction of the House; therefore he was discharged out of Custody, paying his Fees.

Joseph Wilcox, and *Thomas Watson*, had Leave to be absent till the next Fourth Day of the next Week, at Two a Clock in the Afternoon; and then the House.

Adjourned till the Twenty-third Instant, at Three a Clock in the Afternoon.

The House met, and the Members being called over, a Quorum appeared; but *Charles Read*, *Francis Rawle*, *Joseph Growdon*, and *Jeremiah Langhorne*, appeared not.

A Written Message sent from the Governor was read; which is as follows.

A MESSAGE *from the* Governor *in Council* to the ASSEMBLY, *the Twenty-third of* October, 1704.

"TO your last Address the Governor answers (as before) that notwithstanding any Request made of answering to this Assembly the Address of the last, he conceives you ought not to expect his Opinion of any Address, or Bill, but such only as shall come from this present Assembly by Votes of the House; to which, after due Deliberation, you shall have his Assent or Negative, as the Case in Justice may require: The

Delays in the last Assembly were unpleasant to all, and ought to be now avoided, and the Occasions of them. The Governor cannot avoid putting you once more in Mind, that you are now concerned for the publick Service, which ought to be your only Aim, excluding all other Designs. The Governor hath been, and is still ready to receive whatever you shall propose for that Service; desiring that nothing unnecessary or untimely may interpose, whereby good Designs for the common Welfare and tranquility will be frustrated."

By Order,

THOMAS GRAY, *Dep. Secretary.*

And then the House adjourned till Ten a Clock To-morrow Morning.

The House met, and the Members being called over, a Quorum appeared.

John Budd's Petition, complaining that he is not admitted into the Shrievalty of this City and County of *Philadelphia*, according to Election, was read, and ordered to be read again in a full House.

And then the House adjourned till Ten a Clock To-morrow Morning.

The House met, and the Members being called over, a Quorum appeared.

Nicholas Fairlamb has Leave to be absent till Ten a Clock To-morrow Morning.

The Bill for Confirmation of the Charter of Privileges, &c. was read a third Time, with Amendments.

Resolved, N. C. D. That the said Bill be engrossed, and sent to the Governor.

And then the House adjourned till Ten a Clock To-morrow Morning.

The House met, and the Members being called over, appeared.

Whereupon the Bill for Confirmation of the Charter of Privileges was ordered to be sent to the Governor by *Thomas Masters, Reese Thomas, Edmund Orpwood, John Swift, Peter Worral, Nicholas Fairlamb*, and *Isaac Taylor;* who returned, and acquainted the House, that they presented the said Bill to the Governor according to Order.

The Bill for the Affirmations to pass in Lieu of Oaths, &c. was read a second Time, and committed to *Joseph Growdon, William Biles*, and *Thomas Masters;* and then the House.

Adjourned till three a Clock this Afternoon.

The House met, and the Members being called over, a Quorum appeared; but those of the Committee, and *Joseph Coebourn*, who had Leave to be absent, and *Charles Read*, who is sick, appeared not.

The Bill for better securing and confirming the Rights and Properties of the Inhabitants of this Province, which passed the last Assembly, was now read a second Time, and committed to *Francis Rawle*, *Jeremiah Langhorne*, *Nicholas Fairlamb*, and *Reese Thomas*.

Adjourned till Ten a Clock To-morrow Morning.

The House met, and the Members being called over, a Quorum appeared; but *Joseph Growdon*, and *Charles Read*, with those that had Leave to be absent, appeared not.

Nicholas Fairlamb came from the Committee to whom the Bill of Property was referred, and desired that two Members more may be added to them; whereupon *Joseph Wood*, and *John Swift*, are added to the said Committee as desired.

The Bill for the Affirmation to pass instead of an Oath was read the third Time, with Amendments, and ordered to be sent to the Governor by *Everard Bolton*, *Isaac Taylor*, *Richard Hayes*, and *Peter Worrall;* who returned answer, that they delivered the same Bill to the Governor according to Order.

Joseph Wood reports from the said Committee, that they had some Amendments of the Bill of Property to propose, which he read in his Place, and some of them were agreed to by the House.

And the said *Joseph Wood* further reports from the said Committee, that it is their Opinion, that Provision be made in that, or some other Bill, to ascertain the Time that the Proprietary's Quit-Rents should commence; and to regulate the Abuses committed by the Receiver General, in exacting Quit-Rents of the Purchasers many Years before they had any certain Location of their Lands, or had got Patents for the same.

And that the Aggrievance of the People, by Reason of the Quit-Rents imposed on the Lots in *Philadelphia;* and especially the Reservations on the Bank Lots there, be added to a Remonstrance to be sent to the Proprietary; and that he be reminded of his promised Gift of a Place to build the said Town on, and be urged to make good the same; and that in the mean time his Claim to the said Rents and Reservations may not be strengthen'd by this, or any other Bill; which Proposals of the Committee were agreed to by the House.

Ordered, That *Nicholas Pile*, and *Edmund Orpwood*, do

wait upon the Governor to acquaint him, that this House upon reading of the Bill of Property, agreed to make some Amendments thereof, which they desired may be inserted in the said Bill; and that the Governor would be pleased to send that Part of it lying before him, so that the House may further consider of the said Amendments.

And then the House adjourned till Nine a Clock To-morrow Morning.

The House met, and the Members being called over, a Quorum appeared; but *Charles Read*, *Francis Rawle*, and *Joseph Growdon*, with those that had Leave to be absent, appeared not.

The Members sent last Night to the Governor for the Bill of Property, brought the same to the House, which being read with Amendments, it is ordered that the same be sent back to the Governor by *Nicholas Pile*, and *Jeremiah Langhorne;* who returned, and acquainted the House, that they had delivered the said Bill according to Order.

Joseph Wood, and *Henry Paxton*, had Leave to be absent during the next Week;

And then the House adjourned till the second Day of *November* next, at Two a Clock in the Afternoon.

The House met, and the Members being called over, the major Part of them appeared.

Adjourned till Ten a Clock To-morrow Morning.

The House met, and the Members being called over, a Quorum appeared.

The Bill prepared by the last Assembly for the Regulation of Courts, was read the first Time, and ordered to be read a second Time.

And that the Clauses about the Probate of Wills, and granting Administrations, and about suing the Proprietary, be added to the Bill, as was agreed by the last Assembly.

Adjourned till Three a Clock this Afternoon.

The Bill for Confirmation of the Charter of Privileges, with the Amendments proposed by the Governor, was brought to the House by two of the Council, *to wit*, *Edward Shippen*, and *Jasper Yeats;* which Amendments were read, and ordered to be read again To-morrow Morning.

Adjourned till Nine a Clock To-morrow Morning.

The House met, and the Members being called over, a Quorum appeared.

Whereupon the Amendments of the Bill for Confirmation of the Charter of Privileges, which were read last Night,

were now read again, and taken into Consideration; and are as followeth.

AMENDMENTS to the Bill intituled, *An* ACT for *removing and Preventing all Questions*, &c. and for the Confirmation of the *Charter of Privileges.*

	REASONS.
1. p. 1. I 30. 'TIS insited on, that this be according to the Amendments formerly sent.	1. *The Governor can never assent to what he can't be convinced is true in Matter of Fact.*
2. 2. 14. Leave out the whole Proviso to the End of the Paragraph, or at leaest the Words, *and not before.*	2. *'Tis sufficiently provided for in the rest of the Act.*
3. 3. 17. As the Proprietary is invested with all the Powers of Government in this Province, and it has been the Practice of this Government heretofore to promise Fidelity to the Proprietary and Governor; so the same Care ought to be taken now, and a Clause accordingly added to the End of the Qualification.	
4. 5. 13. Add, and so for other Counties in this Province that hereafter shall be erected.	
5. — 20. Leave out the whole Paragraph to Line 25, referring it to Page 9, Line 31.	5. *That is the proper Place for it to be brought in.*
6. 6. 4. Leave out *Malice or*	6. *'Tis superfluous, and scarce intelligible here.*
7. — 5. Leave out from *but* to *Contrary* in Line 7 inclusively.	7. *'Tis no more than is comprehended in the foregoing Words, and seems of no Service here but to throw a Reflection.*

8. — 19. Make the Sum *Twenty Shillings*, as it was before.

8. *It Seems full small enough.*

9. — 30. Provision must be made here (as it has been heretofor) the *Swedes* and *Dutch*, the antient Settlers of the Place.

10. 8. 27. Instead of what follows after Charter to Page 9, Line 16, insert, And that they shall meet on the fourteenth Day of *October* yearly, and so continue to sit to the first Day of *November*, unless both the Governor and Assembly shall see Cause for them to adjourn before that Time; and after the said first Day of *November*, they shall sit, or be dismissed; and afterwards, during that Year, be called together, sit, and be dismissed; as the Governor shall see Occasion; and during their Sessions, they shall sit upon their own Adjournments, and act in all Things as the said Charter impowers them; and shall not be determined, dissolved, or discontinued by the Death or Removal of any Governor or Commander in Chief of this Province; but such Assembly shall, notwithstanding such Death, or Removal, continue until another shall be chosen for the then succeeding Year.

10. *The Governor cannot be of opinion that the Times of Assembly's Sitting was ever put in their own Power, or that it is consistent with the Nature of Government that it should be so; therefore he desires the Assembly either to be satisfied with this, or leave it as it is in the Charter.*

11. 9. 18. After *aforesaid*, instead of what follows, insert, That upon the Death, Absence, or other utter Incapacity of any Governor, or Lieutenant Governor of this Province, in case there shall be no other one Person in the Place appointed to succeed him, then the Council of the then late or absent Governor, or any five of them, whereof the first or eldest Councellor, or such* other Member as he, with the Council, shall appoint, to be always one, shall, by Virtue

11. *The Word Neglect, is both absurd here and disrespect f u l; for upon the Death of a Governor here, 'tis no Neglect that there is not another appointed, and sent over next Day from England.*

* *Because the eldest Counsellor may be one*

of this Act, have full Power of a Governor of this Province, and exercise all the Powers, Jurisdictions and Authorities, that shall be necessary for the Well-governing of the said Province; and for the administering, maintaining, and executing of Justice therein; and for providing for the Security and Well-being of the People, till such Time as another Person or Persons shall be duly impowered by the Governor in Chief to act in their Stead.

that can't join in some necessary Acts of Government.

12. p. 9. l 31. From thence to Page 10, Line 11, And be it further enacted, that the said Freemen in each respective County of this Province, at the Time and Place of meeting for electing their Representatives in Manner aforesaid, as soon as the said Representatives are so elected, may as often as according to the Directions of the said Charter there shall be Occasion, proceed to choose a double Number of Persons for Sheriffs and Coroners, to be presented to the Governor for his Nomination; and for preventing Confusions and Disorder that may happen in the said Elections, the Coroner of every County of this Province, by Virtue of this Act, without any other Warrant, or Precept, whenever there shall be Occasion, as aforesaid, as soon as the Election of Members of Assembly is ended, shall, by the Consent of the said Freemen, or the greatest Part of them, cause a double Number of Persons to be chosen for Sheriffs, who shall be returned by Indentures between the Coroner and six of the principal Freeholders; which Persons so elected, shall be with all Expedition presented to the Governor, who shall commissionate one of them on the third Day after such Presentment, to hold the said Office for the Term of three Years;† and in case the Governor

12. *The Proprietary has settled it in the Charter, that the Sheriffs and Coroners shall not be chosen oftener than once in three Years; but this Bill gives the People Power to Choose every Year if they please, which cannot be granted.*

†*There is no Oc-*

shall not commissionate one of the said Persons so elected, upon or before the third Day after Presentment, then the Person first chosen and return'd by the Coroner, shall stand and serve in the Office of Sheriff, for the said Term of three Years next after such Election. If, *&c.*

casion here to recede from the Charter, for three Days after the Governor has Notice, is Time short enough to advise upon a Point so material.

13. 10. 19. For *or*, read *and.*

14. — 24. Let this run in the same Words as the Election of the Sheriff, *Mutatis Mutandis.*

15, 12. 16. Instead of *who by Virtue of this Act*, read, *who in Pursuance of the Charter, and of this* Act.

The Sheriffs are chosen by Virtue of the Charter, and this Act is but an Explanation of it.

It is to be observed, that Six Parts of Seven of the Assembly must agree to the passing of this Act.

Ordered, That *Joseph Growdon*, *Joseph Wilcox*, *John Hood*, *Joshua Carpenter*, *John Swift*, *Thomas Masters*, and *Isaac Taylor*, be a Committee to draw an Answer to the said proposed Amendments, and make Report to the House on the sixth Instant, at Three a Clock in the Afternoon.

Resolved, That a Clause be added to the said Bill for the Assembly's sitting twice a Year certain, with Power to sit the first Time twenty Days, and the other Time ten Days: and that the Words (Adjournment or Continuance) be inserted instead of (Dismiss.)

Thomas Watson had Leave to be absent till the seventh Instant, at Two a Clock in the Afternoon; and then the House

Adjourned till the sixth Instant, at Three a Clock in the Afternoon.

The House met, and the Members being called over, a Quorum of them appeared.

The Petition of *Thomas Brock*, about his Ferry at *Bristol*, in *Bucks* County, was read, and ordered to be read again.

The Committee appointed to draw up an Answer to the said proposed Amendments of the Bill for Confirmation of the

Charter of Privileges, acquainted the House, that they have prepared the same accordingly, which was read; and after some Amendments, was agreed to by the House, and ordered to be copy'd, signed by the Speaker, and sent to the Governor; and is as followeth.

The Assembly's ANSWER *to the* GOVERNOR'S *Proposals of* AMENDMENTS *to the Bill for Confirmation of the* Charter of Privileges.

AS to the first Amendment, we give the same Answer as the last Assembly did upon that Head: But are sorry the Governor can't be convinced, that what the Representatives of all the People of this Province at that Assembly so solemnly and clearly demonstrated to him, is true in Fact.

As to the Second, We see no Cause to leave out that Proviso, nor any Part thereof, for the Reasons given in the last Assembly's Answer to the Governor's fifth Proposal.

As to the Third, we find the Charter provides for that Promise of Fidelity to the Proprietary; and we think it reasonable, as long as he has the Administration of this Government, it should be added to the Qualifications, but not in this Bill.

As to the Fourth, We hold it necessary to be added as proposed.

As to the Fifth, We conceive that that Paragraph is in its proper Place, and need not be referred as proposed.

As to the Sixth, Seventh We are sorry that the very Words used in the Statute, *West-minister*, 1. Chap. 5. and the Statute of the Seventh HENRY IV. Chap. 15. being put into our Bill, should be deemed superfluous and scarce intelligible, and to be of no Service but to throw a Reflection, when we make use of those Words but to the same Purpose, and to prevent the like Inconveniences, as they are used in the said Statutes: For it appears by Sir *Edward Coke's* Observations and Comments upon those Acts, that before the making the first of them, *to wit*, in the irregular Reign of HENRY the Third, the Electors had neither their free, nor their due Elections; for sometimes by Force, sometimes by Menacing, and sometimes by Malice, the Electors were framed and wrought to make Election of Men unworthy, or not eligible, so as their Election was neither due nor free. The King bindeth himself not to disturb any Elections to make free Election: See *Second Institute*, Pages 168, 169. And the same Author, in his *Fourth Institute*. Page 10. observes, that at the grievous Complaint of the Commons, it was enacted, that Elections should be

freely and indifferently made, notwithstanding any Prayer or Commandment to the Contrary; 1. *Sine Prece*, by any Prayer or Gift; and *sine Praecepto*, without Commandment of the King by Writ or otherwise, or of any other.

Now that we are under a Necessity of making those Provisions, is evident; considering what Means have been used to influence Elections in this Government, both by Letters and other Practices now under our Consideration, of which we may be more particular another Time.

As to the eighth Amendment, We are not willing that the Fine should be so much as it was before.

As to the Ninth, We are willing that Provision be made for *Swedes* and *Dutch* as proposed, if none be already made.

As to the tenth Amendment, We are willing to accommodate (as far as possible) our Times of Sitting and Adjournment to the Governor's Inclination; and therefore propose, that that Clause in the Bill, which directs every Time of the Assembly's Sitting within the Year not to exceed twenty Days, and every Adjournment not less than three Months, shall be altered as followeth, *viz.* That the Time of the Assembly's Sitting from the fourteenth of *October* yearly, shall not exceed twenty Days, unless the Governor and Assembly should agree to sit for a longer Time; and their Adjournment from their Rising at the End of that Time, shall be till the first Second-Day of the Week, in the Third-Month next after: at which Time they shall not sit above ten Days, unless as aforesaid; and as for all the rest, the Bill to remain as it is. This Provision to come in between the fourth and fifth Lines in the ninth Page.

Concerning the Eleventh, As we cannot understand that the Word *Neglect* is absurd here; so we are not sensible how it can justly merit the Epithet of disrespectful, at least we are sure it was never so designed by us; and as we are far from contending about Words, where we can agree upon the Things intended by them, so we are contented this Amendment be as proposed, with Addition only of the Words *(both legislatively, and executively)* after the Word (Province) in the seventh Line of the proposed Amendment: and then all the rest of that Amendment may be left out.

As to the twelfth Amendment, We cannot assent thereunto; because it puts another Construction upon that Part of the Charter relating to Elections of Sheriffs and Coroners than the Law will warrant, and makes the Governor judge of the Occasion of such Elections, which would make that a Burden

and an Inconveniency, which was designed for a Privilege to the People.

We conceive that Part of the Charter relating to those Elections, ought to be construed, and have its Operation, as the Statute of the Twenty-eight of EDWARD the First, Chap. 8. had; which enabled the People to elect their Sheriff in every Shire if they pleased. Answerable to which Statute, and the Resolutions of the Judges of *England* thereupon, we endeavour to frame this Part of our Bill; and therefore we desire it may pass as we prepared it: See *Coke's Second Institute*, Pages 558, 559.

As to the thirteenth, fourteenth and fifteenth Amendments, We cannot agree thereunto; But as to the Caution about six Parts in Seven of us to agree, it was needless; for we hope to be unanimous in Things relating to our Constitution, notwithstanding what Endeavours some ill Persons may use to divide us.

And then the House adjourned till Ten a Clock To-morrow Morning.

The House met, and the Members being called over, a Quorum of them appeared.

Ordered, That *Thomas Masters*, and *Joshua Carpenter*, do wait upon the Governor, and deliver him the Assembly's Answer to his proposed Amendments of the Bill for Confirmation of the Charter of Privileges, and to know his Pleasure concerning the other Bills now before him.

The two Members returned, and acquainted the House, that they delivered the Message according to Order; and that the Governor will send an Answer concerning the said Bills in a short Time.

Adjourned till Ten a Clock To-morrow Morning.

The House met, and the Members being called over, a Quorum of them appeared.

Two of the Council, *viz. Edward Shippen*, and *Richard Hill*, came with a Message from the Governor, to desire a Conference with the whole House about the Amendments proposed by the Governor to the Bill for Confirmation of the Charter of Privileges, *&c.*

Resolved, That this House do not think fit to meet the Governor in Conference as desired, but that a Committee be appointed at Three a Clock this Afternoon to attend the said Conference.

Ordered, That *Joseph Wood*, and *John Swift*, do forthwith wait on the Governor, and acquaint him with the Resolve of

this House, to attend the said Conference by a select Committee.

The Members sent to the Governor, returned, and acquainted the House, that they had delivered their Message according to Order, and that the Governor said, he would take the Message into Consideration, and send the House an Answer in a short Time.

A Petition of divers *Germans* was read, setting forth how they and several others, *High* and *Low Germans*, or *Dutch*, in or about the Year 1682, and since, all along hitherto (upon the kind Invitation of the Honourable *William Penn*, Proprietary and Governor of this Province, and his Agents) became Purchasers of many great Tracts of Land in the said Province, which have been by the said Proprietary granted to them by Indentures of Lease, and Release; and that in Compliance with certain Concessions in those Indentures mentioned, they transported a great Number of Families, who made good Improvements here; but forasmuch as they are informed, that for want of some Qualification required by the Laws of *England* (of which they were altogether ignorant, and unacquainted with) their Titles may hereafter be called in Question. Therefore they desire, that such Provision be made, as may enable them, and the rest of the said Purchasers, to hold and enjoy their Lands and Hereditaments, to them and their Heirs and Assigns for ever, notwithstanding the said first Purchasers might not be duly qualified as aforesaid.

Ordered, That the said Petition be referred to the Consideration of the Committee of Grievances.

A Petition of sundry of the Inhabitants of the Town and County of *Philadelphia*, complaining, that the Persons chosen by them pursuant to the Charter of Privileges, to serve for Sheriff and Coroner, tho' presented to the Governor, have not been commissionated, *&c.* to serve in the said Offices, *&c.* was read, and referred to the Committee of Grievances.

A Petition of the Inhabitants of Radnor, *&c.* concerning Rangers, was read, and ordered to be read again, and considered along with the former Petition about Rangers.

A Petition of the Inhabitants of *Radnor*, about the Road lately laid out from *John Powell's* Ferry to *Sasquehannah* Road, at the *North-East* Branch of *Brandywine* Creek, was read, and ordered to be read again, and considered along with *Thomas Godfrey's* Petition to the last Assembly upon the like Account.

And then the House adjourned till Nine a Clock To-morrow Morning.

The House met, and the Members being called over, they all appeared except *Charles Read*, who still continues indisposed.

Thomas Story, and *William Trent*, came with a written Message from the Governor, which was read, and is as followeth.

A MESSAGE *from the* Governor *and* Council *to the* Assembly,

November 8*th*, 1704, P. M.

"Having by a Message to the House this Morning required the Attendance of the whole House, to the End that the Matters that are now in Debate between us, may, if possible, be accommodated, without further Loss of Time; which Message, tho' of great Importance, and of so good a Tendency, the Governor is extremely surprised to find not complied with, according to the known Duty of the House, when the publick Services requires it.

The Governor therefore informs the House (since it seems by the Answer to be questioned) that it is his undoubted Right, and never yet disputed; and that no Colour of Reason can be urged to the Contrary; nor can he see what Judgment can be made of a Refusal consistent with an Inclination to dispatch the Business before the House, for the Ease and Welfare of the Country.

If the House presists in this Resolution, and deny so requisite a Discharge of their Duty, he must take Notice of it as a Failure, and insist upon the last Amendments to the Bill, as sent from the Council, without further Arguments upon it, seeing they are not willing to agree to the most proper Expedients to come to a right Understanding."

Ordered, That *Joseph Wood*, *Thomas Masters*, *Francis Rawle*, and *Nicholas Pile*, be a Committee to draw up an Answer to the said Message, and bring it to the House this Afternoon.

Ordered, That *William Biles*, *John Swift*, *Joseph Wilcox*, *Reese Thomas*, *John Hood*, and *John Bennet*, be a Committee of Grievances.

Adjourned till Three a Clock this Afternoon.

The House met, and the Members being called over, a Quorum appeared.

Joseph Wood reports from the Committee appointed to draw up an Answer to the Governor's Message, that they had prepared the same accordingly; which was delivered at the Table, and was read there, and after some Amendments was agreed to by the House, and is as Followeth, *viz.*

To the Honourable JOHN EVANS, Esq; Lieutenant Governor of the Province of *Pennsylvania*, and Territories thereunto annexed.

The ADDRESS of the Representatives of the said Province, in Answer to a Message received this 9th Day of *November*, *Anno Domini*, 1704.

Humbly sheweth,

THAT *whereas by a Message from thee and thy Council to the Assembly this Morning, thou art pleased to continue thy Request of the Attendance of the whole House, to debate upon the Amendments offered to the Bill for Confirmation and Explanation of the Charter of Privileges, and to express the Surprize of our proposing to wait upon thee by a select Committee, which we are of Opinion is the most speedy Way to dispatch any Business of that Nature, and according to parliamentary Proceedings in such Cases, and not contrary to our Duty in refusing to answer thy Expectation by the said Message; neither can this House agree, that it is thy Right to require our waiting upon thee in a full House at all Times (it not being the Practice of* England, *but upon especial Occasions) we having a Right to parliamentary Privileges by our Charter; and we hope that by the Bills presented to the Governor, we have sufficiently demonstrated our Inclinations to dispatch those Things that in our Opinions are necessary for the Good, Ease and Quiet of those we represent; and therefore cannot but resent that Charge as a very great Reflection upon the continued Endeavours of this House.*

The House as yet can see not Reason to alter their Resolution of waiting upon thee in a Committee appointed separately from the House, and think they shall not thereby neglect the Discharge of their Duty, nor give just Occasion for any Reflection to be cast upon them for their Default therein, notwithstanding the Opinion of the Council, which this House does not look upon as concerned any further than as a Council of State, and no Part of the Legislative Power of this Government.

We shall take Leave further to offer to thee, that if the particular Heads or Subject Matter of the desired Conference were adjusted, we doubt not but this House might condescend to wait upon thee in a full House, being willing to comply with every Thing that is reasonable, in order to a good Understanding betwixt thee and us, provided the said Condescension be not brought as a Precedent for after Proceedings.

Ordered, That the said Answer be transcribed, signed by the

Speaker, and sent to the Governor by *Richard Hough*, and *Peter Worral.*

Adjourned till Nine a Clock To-morrow Morning.

The House met, and the Members being called over, a Quorum appeared.

Joseph Wilcox reports from the Committee of Grievances, that they had agreed upon some Things which they thought fit to be remonstranced; but before they proceeded, he was directed by the Committee to move the House, that an Address be drawn and presented to the Governor, concerning the Election of Sheriffs, and more especially about the Sheriff of the City and County of *Philadelphia;* which after some Debate was agreed to by the House.

Adjourned till Three a Clock this Afternoon.

The House met, and the Members being called over, a Quorum appeared.

Isaac Taylor from the Committee appointed this Morning to draw up an Address to the Governor concerning the Sheriff of *Philadelphia*, reports that they had prepared the same accordingly; which he read at the Table, and after some Amendments, it was agreed to by the House, and signed by the Speaker, and sent to the Governor, and is as followeth.

To JOHN EVANS, Esq; Lieutenant Governor of the Province of *Pennsylvania, &c.*

The ADDRESS of the Freemen of the said Province in ASSEMBLY met, the 10th Day of *November*, 1704.

Sheweth,

THAT *whereas a Petition was exhibited to this House by* John Budd, *junior of* Philadelphia, *setting forth how he, and* Benjamin Wright, *were at the last Election chosen to be presented for the Governor's Nomination of the one of them to be qualified to serve as Sheriff for the City and County of* Philadelphia, *and accordingly presented themselves; but that the Governor answered, that it was his Opinion, it was not the People's Privilege so to elect; and until he was otherwise persuaded, he would continue the then Sheriff; which is accordingly done, to the Violation of the said Charter, as by the said Petition, and another Petition from divers Inhabitants of the said City and County, as also by the Report of the Committee of Grievances, is made appear to this House.*

Therefore, it is the humble Request of this House, that the said John Budd *(being the first of the said two Persons so elected and presented) may be duly qualified by the Governor, to officiate in his said Place of Sheriff; and that the late Sheriff,* John Finney, *may be required to forbear exercising*

the said Office in Opposition to the Election of the People.

Ordered, That *Thomas Masters*, and *Francis Rawle*, do present the said Address to the Governor

Joseph Coebourn had Leave of the House to be absent Tomorrow.

Edward Shippen and *Richard Hill*, brought a written Message from the Governor, which is as follows.

From the GOVERNOR *to the* ASSEMBLY, *the* 10*th* Day *of the* Ninth Month, 1704.

GENTLEMEN,

"Seeing you having thought fit not to afford me an Opportunity of speaking to you, I must now take this Method in writing to acquaint you, that when you met, almost a Month ago, I hoped by this Time we should have dispatched some of the important Affairs before us for the publick Good.

But by the Measures that are taken, there are continually such Obstructions thrown in the Way, that I cannot but with Trouble reflect on the Loss of so much Time to so little Purpose.

I have always been willing to grant all on my Part, that I could believe consistent with my Honour, and the Trust reposed in me. In the Bill last under Debate, there are some Things offered that I cannot assent to; but for adjusting it, I was of Opinion, that the most effectual Method would be to acquaint every Representative in the House, being all equally concerned for the People, with my Reasons, and endeavour to accommodate the Difference, by a free Conference with the whole Body of the Delegates of the People committed to my Charge, which I must still say is my Right; for none can, with any Colour of Justice, dispute my Privilege of speaking to all Men in my Government, as I shall see Occasion; seeing I desire not by it to invade any Privilege of the People, but aim at their own Good.

But instead of effecting this, there is now started the most unaccountable and unprecedent Objection that has been heard of, which, under Pretence of parliamentary Privileges, that there is no Manner of Occasion given to dispute, can have no other Consequence than what has been the Effect of this, *viz.* the Loss of Time, and Delay of Business.

I desire you, Gentlemen, as your tender the Welfare of the People whom you represent, seriously to consider what must be the Event of such measures if still persisted in, and how the Loss of the Opportunity now put into your Hands can

be accounted for hereafter, should it once be slipt past retrieving; which cannot but be reasonably expected, if no other Methods be taken.

I have no Ends of my own to carry on but what are also interwoven with your Honour and Welfare; and if there be any others that for sinister Designs cannot wish well to the present Administration, I would willingly hope, you will always use Measures to disappoint them, which cannot be by any other Means than by studying an Union in all the parts of Government; and endeavouring to close up any Differences that may arise, and not make them wider; to remove and prevent Difficulties, and not to start or insist on them; to which good End, I have been troubled to see some of your Messages not to have so near a Tendency as our Friends might wish for.

I shall not give myself Leave to believe that such indecent Expressions as I have some times received, are really the Sentiments of the People of this Province now represented by your House; for they have never had cause for it: And am sorry to think there should be any who can use a Language that is so far from appearing to be the Dictates of a Mind disposed to Union, and to see you take an Occasion to mention the Council with so little Respect on a Point that I always took to be fully understood between us. Those Gentlemen that are pleased to spend their Time in assisting me at the Council-Board for the publick Service without any Reward, ought, in Justice, to be duly regarded in their Stations, by every Man that is for supporting the Honour of the Government, and wishes well to its Prosperity.

My Time is now near expired that I designed (as you have been told before) for this Session, and I am obliged for some Time to be at *Newcastle;* I therefore must now only require the Answer that is demanded to another Paper sent herewith, and then think it proper that you be adjourned till the first of *March* next, unless the Occasions of the Government require you to be called together sooner; and desire you against our next Meeting, which I hope will more effectually answer the publick Good, to come to a full Resolution to guard against all Things that may retard Business to maintain and fortify your privileges as *Englishmen*, which is the Power to make yourselves by the Benefit of our Constitution in a great Measure happy, and not weaken nor render them fruitless by tedious Delays in unnecessary Scrutinies into their Extent; to consider that no Government can be happy, but where there is an Union between its Parts; and

that the real Interest of both Governors and Governed, are interwoven; and to remember, that none of you are to act as private Men, or to use any private Resentments, but are all concerned for the Welfare of the whole Province; for which, if you neglect to make what Provision lies in your Power, the whole Government suffers equally by it."

Signed by the Governor's Order,

James Logan, *Secretary.*

Ordered, That the said Message be read again To-morrow Morning.

A Petition requesting a Copy of the Remonstrance sent to the Proprietary of Order of the late Assembly, was read; and after some Debate the Question being put, Whether a Copy of the said Remonstrance or Representation shall be given as is desired? *It pass'd in the Negative.* The Petition follows in these Words, *viz.*

To the Honourable ASSEMBLY *of the Province of* Pennsylvania, *now sitting at* Philadelphia.

The Petition of Edward Shippen, Thomas Story, Richard Hill, Samuel Carpenter, William Southby, William Hudson, Pentecost Teague, *and* Thomas Chalkley.

Sheweth,

THAT forasmuch as your Petitioners are informed, that there is a certain Address or Remonstrance sent by Order of the late Assembly to *William Penn,* Proprietary and Governor of this Province, &c. wherein your Petitioners, and others of their Communion are concerned, and more especially as a religious People, and being desirous to know the Truth and Nature of the said Address, or Remonstrance, in order to a better Understanding; do therefore request, that a true Copy may be granted them of the said Address, by Order of this House, signed by the present Speaker, or otherwise, as you shall think fit; and your Petitioners shall thankfully acknowledge your Justice and Favour therein.

Signed on Behalf of ourselves, and the rest of the said Petitioners.

Edward Shippen, William Hudson, Thomas Chalkley,
Thomas Story, Pentecost Teague, William Southby.
Richard Hill,

Resolved, N. C. D. That no Copy of the Representation shall be given without the particular Order of this House for

that Purpose. Note. *This Resolve is indorsed on the Back of the Petition.*

A Petition of several of the Inhabitants of the County of *Philadelphia*, setting forth the Inconveniencies that will fall upon the People of this Province, if Money due upon Contracts and Obligations made before the Queen's Proclamation about the Rates of Money, be not received in the same Species and Value as our own Law directs; was read, and ordered to be read again.

James Logan brought a written Message from the Governor, which is as follows,

From the GOVERNOR *to the Assembly, the 10th Day of the* Ninth Month, 1704.

GENTLEMEN,

"I have been credibly informed by several Persons, that there has been lately sent over to the Proprietary and Chief Governor, in the Name of the Assembly of this Province, a Letter of Remonstrance; complaining (as it is said) of several Grievances both in Property and Government, that require to be redressed.

As the Proprietary has taken Care that he should be fully represented in both these here upon the Spot, so I cannot but with Reason admire, and tell you, I am highly concerned, that Remonstrances of any Kind should be made and sent Home, without first acquainting me, in Affairs relating to the Government; and those Gentlemen that are concerned in Affairs of Property, having expressed the same in Relation to themselves, join with me in thus far letting you know our Thoughs.

It is without Question my undoubted Right to be informed of what has pass'd of this Kind; and Application in all Things relating to the Government, should be made to me here, who am sufficiently invested with Powers to redress the Grievances thereof, and have the Opportunity of enquiring into the true State of Affairs, before they shall be heard of any further; and Reason itself will say, there is no less Justice due to the Proprietary's Deputies the Commissioners. I require not this, Gentlemen, of you the present Assembly, as if I understood it to be your immediate Act; but as you are the Representatives of the People, and Successors to the former Assembly, you have all Things in your Power that are or have been transacted in that House: I must there-

fore let you know, that I think it my Right to be fully acquainted with that Letter, seeing it must needs have been the Result of some Vote; and accordingly I desire that a true authentick Copy of it, as soon as it can be drawn, may be ordered to be delivered to me; and I assure you, whatever is remonstranced in it, that lies in me to redress, I shall take proper Measures in it to the best of my Power; and the same I have Reason to believe will be done by the Commissioners."

Signed by the Governor's Order,

James Logan, *Secretary.*

Ordered, That the said Message be read again To-morrow Morning.

A Petition about the Rates of Money was read, and ordered to be read again.

The House adjourned till Nine a Clock To-morrow Morning.

The House met, and the Members being called over, a Quorum appeared.

The two last written Messages from the Governor were read again and referred to the Committee of Grievances to answer.

William Biles reports from the Committee of Grievances, that they had made some Progress in what has been brought before them; and that they directed him to move the House, that they might have Leave to sit again To-morrow Morning; and that two Members more may be added to them.

Ordered, That *Joseph Wood*, and *Francis Rawle*, be added to the said Committee of Grievances.

Ordered, That those Copies of the Representation, or Remonstrance, sent to the Proprietary by *John Guy*, be sent for, in order to be further considered by this House; but if those Copies cannot be had, then the House will enter upon the Debate of the Subject Matter of the said Remonstrance read here the nineteenth Day of the last Month.

James Logan brought a written Message from the Governor, which was read, and is as followeth;

The GOVERNOR *to the* Assembly, *the 11th Day of the* Ninth Month, 1704.

GENTLEMEN,

"IN Answer to your Address concerning the Sheriff of *Philadelphia*, I must say, that it is in no Respect owing to an Inclination to violate the Charter, or break any Privilege of the People (for I shall always be as tender of these as

any Man) that I have not Commissioned another Person upon the last Election; but to my Opinion, which I think is well-grounded, that the People's Right to choose by the Charter, returns not till next Year; I never was of Opinion that the People have not the Privilege of Electing; and my Words here are misrepresented; but that they cannot elect every Year, is plain by the same Charter that gives them this Privilege. What Disputes may arise hereafter on this Head, I have been willing to join with you to prevent; and the Bill last in Debate, and the Misunderstanding this present Year, can be of no great Consequence, seeing the Place is sufficiently supply's however, I shall take it further into Consideration. I wait for the Copy of the Remonstrance, which I desired, before I leave the Town; on which I depend as already ordered, or to be ordered, before you rise: And fo rthis Time I dismiss you from this present Day to the first *Monday* in *May* next, unless you receive Notice from me to meet sooner."

JOHN EVANS,

Ordered, That the said Message be referred to the Committee of Grievances to answer.

And then the House adjourned till the thirteenth Instant, at Two a Clock in the Afternoon.

The House met, and the Members being called over, a Quorum appeared.

And adjourned till Ten a Clock To-morrow Morning.

The House met, and the Members being called over, a Quorum appeared; but *Charles Read*, *Isaac Taylor*, *Joseph Coeburn*, *Reese Thomas*, *Joseph Growdon*, *Jeremiah Langhorne*, and *Richard Hough*, appeared not; and the three last deserted the House.

William Biles reported from the Committee to whom the drawing an Answer to the Governor's Message of the tenth Instant was referred, that they had prepared the same accordingly; which being read, was after some Amendments agreed to by the House, and ordered to be transcribed, and signed by the Speaker, and is as followeth, *viz.*

The Assembly's ANSWER to the GOVERNOR'S Message.

HAVING *receiv'd the Governor's Message of the tenth Instant to this House, we cannot but with much Reluctancy reflect upon the Misinterpretations of our Endeavours for the publick Good, notwithstanding we have with Care, Industry*

and Integrity, applied our utmost Endeavours to dispatch such Bills to be pass'd into Laws as would be very much to the Advantage, Peace and Quiet of the People of this Government; and have taken no Measures to raise Obstructions, but such as the several Inroads attempted to be made upon our Charter, has unavoidably occasioned.

We are also very sensible how far the Governor has been ready to comply with the Bills presented to him by this House, and especially the Bill for Confirmation of our present Constitution, and must take Leave to say, that the loss of so much Time is not to be attributed to any Delays of ours.

But if the Governor in Honour cannot grant what we have offered to his Consideration, it causes some Doubt, that the Objection of the last Assembly concerning the Proprietary's Reservation in thy Commission, is not so clear as it was represented and assured to that Assembly by the Opinion of the Council; and we cannot but be grieved that our resolving to wait upon the Governor in a Committee, to hear his Reasons for the Amendments of the aforesaid Bill, and to report the same to the House, should be construed such an irrational Proposal as to be void of all Colour of Justice; for though we do not deny, but that every particular Member is equally concerned in this House for the Good of the People, yet they are all subject to certain Regulations, which cannot be controuled or altered but by the Assembly; and we find that our Method of acting in this Behalf, is warranted by Precedents in this Government, as well as in other Governments, which we by the Charter have Power to imitate.

We conceive that what we start (as thou are pleased to term it) concerning parliamentary Privileges (if thou means that which we insist upon about conferring with thee by Committees) is not without Precedents; and if to assert those Things proves tedious, we cannot help it; nor do we deem it Loss of Time, nor Delay of Business, to maintain the Rights and Privileges of this House.

We are well assured we have been, and still are, very tender of the Privileges of the People, and cannot but with much Regret reflect upon the small Progress is made towards a good Settlement thereof, but hope it will appear that we have not been wanting in our Endeavours if this Opportunity be lost; and desire that the Governor would be pleased to shew wherein he has offered any Instance of his Condescension to this House, that may demonstrate to the World how far he has been willing to make us happy.

And as the Members of this House are not convened upon their own, but the publick Affairs, so sinister Designs are altogether Strangers to their Hearts and Actions, which we doubt not will disappoint the Ill-wishers of the common Good, whoever they be, this House having little or no Breaches in it, and desire a hearty Union with the Governor; and will always be ready to use all reasonable Means to remove Difficulties, and not start or insist upon any Thing that is not of absolute Necessity; and shall readily submit our Messages to Correction, when it is made appear that any of them have a Tendency to give Trouble to our Friends, under what Denomination soever.

As we are ignorant of any unbecoming Language that has been given the Governor, so if we were thought worthy to be made acquainted with the Persons by whom it was given, they should soon meet with the just Reprehensions of this House, if within our Cognizance.

The Governor may believe, that we are fully assured our Proceedings do very well agree with the Sentiments of the People we represent; and we are not conscious to ourselves, that we have been disrespectful to the Council, but have paid due Regard to them in their proper Stations; though we cannot but take Notice of the little Regard shewed to this House, when we appeared before the Governor this Session.

Thou art pleased to tell us thy Time is Short, which for the present becomes an Obstruction to the Business of this Session, especially in Legislation, and redressing of several great Grievances complained of by the People in their Petitions now before us, against several Chief Officers under thee: Howbeit, we hope at our next Meeting (which we cannot grant to be the Time thou would have us to adjourn to) we shall have a better Opportunity fully to redress them, which will be also an effectual Way to further publick Business, by securing the People from such exorbitant Practices for the future, as is complained of; and may in a great Measure cut off those fruitless and tedious Delays which has attended all publick Affairs at the Council-Board; and encourage us to go forwards with the greater Alacrity with our Business, in Hopes of better Success than has hitherto attended us; and will induce us with all Earnestness to consider whatever may contribute to make us happy by the present Opportunity put into our Hands, and as we have not hitherto used any Resentment but what has been publick, so we shall never shew ourselves so unreasonable as to neglect what may concern the Interest of the whole Government, so that no Part of it may suffer through

Want of Endeavour to use suitable Means for the Support thereof in every Respect.

Signed by Order of the House, *per*

David Lloyd, Speaker.

Joseph Wilcox reports from the Committee to whom the Reply to the Governor's Answer to the Address of this House, complaining of the Governor's Refusal to qualify the Sheriff elected for the City and County of *Philadelphia* was referred, that the said Committee had prepared the same accordingly; which he read, and after delivered the same at the Table, which after some Amendments, was agreed to by the House, and is as followeth.

The Assembly's REPLY *to the* Governor's *Answer to their Address, in Relation to the Sheriff for the City and County of* Philadelphia.

May it please the Governor,

WE have taken into our Consideration thy Answer to our Address, concerning the High Sheriff for the said City and County, and cannot be of Opinion with thee, that the People had no Right to choose a Sheriff at the last Election of Representatives, since the Time to put that Branch of the Charter into Practice we humbly conceive to be, when the People shall judge there is Occasion, which we understand was begun at the last Election in every County of this Government; and therefore, whatsoever Objection might have been made against the People's Election of a Sheriff till the Expiration of the Three Years, in case they should have neglected to choose on the Day appointed, after that Branch of the Charter had been once in Practice; yet we cannot but persist in our Opinion, that the Charter is infringed by thy Refusal to qualify the Sheriff elected by the People; and to tell us thou will take it into thy further Consideration, and yet at the same time put us off from a further Conference till the Third Month next, is a Hardship which we cannot but resent, and take it no other than a Discouragement to the Magistrates, and a Denial of Justice to the People of this City and County in particular, as well as a Slight to the Application of the Representatives of all the Freemen of this Province.

As to the Copy of the Remonstrance, we answered thee by Members of our own before the Receipt of thy last; and as to thy Dismiss, we cannot allow of it, because it is contrary to

Charter; but we are heartily sorry thou should leave us before the Passing of those Bills prepared by us, and long since sent to thee for thy Concurrence, which we are apprehensive are of the greatest Moment, as conducing to the general Benefit and Behoof of the Inhabitants of this Province; and to none of which Bills (that of privileges excepted) thou has yet been pleased to vouchsafe any Answer: Therefore, whether the Loss of so much precious Time as thou art pleased to charge to our Account, be occasioned by our Default, or ought to be placed to thine, we shall leave the World to judge.

Signed by Order of the House, per

DAVID LLOYD, *Speaker*.

Ordered, That the said Reply be transcribed, signed by the Speaker, and sent to the Governor.

A Motion being made, and the Question put, that the Votes of this House, and the last Assembly, not yet published, together with the Messages and Speeches of the Governor, as also the Addresses and Answers thereunto, be published, being first perused and signed by the Speaker? *It pass'd in the Affirmative*, N. C. D. But the House ordered, that no Copy of the Representation sent to the Proprietary by *John Guy* shall be given, without the particular Order of this House for that Purpose.

Nicholas Rosogans, Messenger and Door-keeper of this House, complaining, that *Caleb Pusey*, Treasurer of *Chester* County, refused to pay an Order of the last Assembly on him for *Three Pounds*, for his Service to the said Assembly; and the House taking the Complainant's Case into Consideration, it was ordered that *William Biles*, a Member of this House, and Treasurer of *Bucks* County, should pay the same; who accepted thereof, upon the Promise of the House to reimburse him, in case Governor and Council refuse to allow it.

Ordered, That *William Biles*, *Joshua Carpenter*, *Joseph Wood*, *Francis Rawle*, *Thomas Masters*, *John Swift*, and *Joseph Wilcox*, or as many of them as conveniently meet together, shall, as soon as possible, after the last Addresses of this House are presented to the Governor, attend the Speaker, and assist him in regulating the Votes of this House before Publication.

And then the House adjourned till the fourth day of *May* next, unless the Governor hath Occasion to call us sooner.

Third Month 4, 1705.

At which Day the major Part of the Members appeared, *viz.*

Philadelphia *County.*	Bucks *County.*	Chester *County.*
David Lloyd, Speaker.	*Joseph Growdon,*	*Nicholas Pile,*
Reese Thomas,	*Henry Paxton.*	*John Bennet,*
Everard Bolton,		*John Hoodt,*
Joseph Wilcox,		*Joseph Wood,*
Joshua Carpenter,		*Isaac Taylor.*
Edmund Orpwood,		
John Roberts,		
Francis Rawle.		

City of Philadelphia, *Thomas Masters.*

The Members present agreed to meet To-morrow Morning at Seven a Clock; in the mean time, the Member for the City of *Philadelphia,* with as many more of the County as shall be willing to go with him, are desired to enquire, whether *Charles Read,* the other Representative for the said City, may be in a Capacity to attend the Service of Assembly, in case they proceed in Business? and make Report to the House To-morrow Morning.

Thomas Masters reports, that he, with three other Members, went to *Charles Read* last Night, and asked him if he found himself able to attend the Service of this Assembly; whereupon he answered, that he is so weak that he is not able to do any further Service of that Kind.

Nicholas Fairlamb and *Richard Hayes* appeared.

It is agreed, that *Joseph Growdon, Joseph Wilcox, Thomas Masters,* and *Joseph Wood,* do wait upon the Governor, and acquaint him, that the major Part of the Members of Assembly are together, and a Quorum like to meet this Afternoon; and further, to let him understand, that two of the Members for *Bucks* County are dead, and one of the Members for *Philadelphia,* by Reason of Sickness, is incapable of serving at this Assembly: Therefore requests the Governor, to issue out Writs for electing other Members; and desire to know when he will be pleased to make such Writs returnable?

The Members returned, and acquainted the rest, that they delivered their Message; but received no satisfactory Answer from the Governor.

Afterwards a Quorum of the Assembly being met, the Speaker assumed the Chair, and the House being called over, the Members hereafter named appeared, *viz.*

Philadelphia *County.*	Bucks *County.*	Chester *County.*
David Lloyd, Speaker.	*Joseph Growdon,*	*Nicholas Pile,*
Reese Thomas,	*Thomas Watson,*	*John Bennet,*
Everard Bolton,	*John Swift.*	*Nicholas Fairlamb,*
Joseph Wilcox,		*John Hoodt,*
Joshua Carpenter,		*Richard Hayes,*
Edmund Orpwood,		*Joseph Wood,*
John Roberts,		*Isaac Taylor.*
Francis Rawle.		

City of Philadelphia, *Thomas Masters.*

Whereupon the House adjourned till the seventh Day of this Instant, at Four a Clock in the Afternoon.

At which Time the major Part of the Members of Assembly appeared, as followeth, *viz.*

Philadelphia *County.*	Bucks *County.*	Chester *County.*
David Lloyd, Speaker.	*Joseph Growdon,*	*John Bennet,*
Reese Thomas,	*Thomas Watson,*	*Nicholas Fairlamb,*
Everard Bolton,	*John Swift.*	*Richard Hayes,*
Joseph Wilcox,		*Joseph Wood,*
Joshua Carpenter,		*Isaac Taylor.*

City of Philadelphia, *Thomas Masters.*

Edmund Orpwood. *John Roberts,* *Francis Rawle.*

But inasmuch as a Quorum of the Assembly came not, it is agreed that the House meet To-morrow Morning at Nine a Clock.

At which Time the Speaker assumed the Chair, and the Members being called over, a Quorum of them appeared; but *Charles Read, William Biles, Jeremiah Langhorne, Henry Paxton,* and *Joseph Coebourn,* appeared not.

Ordered, That *Reese Thomas, John Swift,* and *Nicholas Pile,* repair to the Governor, and acquaint him, that a Quorum of the Assembly being met, desire to know if he hath any Thing to communicate to this House.

The said Members returned Answer, That the Governor is busy in perusing his Letters he lately received from the Proprietary, and will give this House Notice when he has any Thing to communicate; and then the House

Adjourned till three a Clock this Afternoon.

The House met, and the Members being called over, a Quorum appeared. And after some Time it was resolved, That

Francis Rawle, *Isaac Taylor*, and *Thomas Watson*, do wait upon the Governor, and desire to know if he has any Thing to communicate to this House To-night? And if he has not, the Assembly are inclined to adjourn till To-morrow at such Time as he shall think to be ready.

The Members returned Answer, that the Governor desired that this House might be in Readiness at Four a Clock To-morrow in the Afternoon.

The Defaults and Delinquencies of the Members of Assembly at the last and present Sessions being taken into Consideration, *Resolved*, N. C. D. That the same Defaults and Delinquencies shall be remitted; and then the House

Adjourned till Four a Clock To-morrow in the Afternoon.

The House met, and the Members being called over, A Quorum appeared; but *Francis Rawle*, *Charles Read*, *Joseph Coeburn*, *Joseph Growdon*, *Jeremiah Langhorne*, and *Joseph Wood*, being called the second Time, appeared not.

Richard Hayes had Leave of the House to be absent To-morrow.

And then the House adjourned till Ten a Clock To-morrow Morning.

The House met, and the Members being called over, a Quorum appeared; but *Charles Read*, and *Joseph Coeburn*, appeared not.

Ordered, That *Isaac Taylor*, and *Nicholas Fairlamb*, do wait upon the Governor, and acquaint him, that the House is met.

They returned, and acquainted the House, that the Governor and Council are sitting, and that the Governor expects the House to attend him forthwith in Council.

Resolved, That the whole House attend the Governor; and that the Speaker acquaint him, that two of the Members for *Bucks* County are dead; and some more are absent from this Assembly: Therefore, the Governor is desired to issue forth Writs for the electing of other Members to serve in Stead of the deceased and absent Members.

The House being returned, the Speaker reported, that the Governor had made a Speech to this House, and that he was pleased to deliver him a Copy thereof, which the Speaker ordered to be read; and is as followeth.

GENTLEMEN,

"Difficulties daily arising from your Proceedings before our last Parting, and being necessarily called away to attend to Business of Government elsewhere, I deferred your Meeting

for so long a Time, that I might have the Sentiments of the Proprietary in Matters of such Importance as were laid before me, which is now very seasonably arrived.

The Proprietary, Gentlemen, is so far from agreeing with you in Opinion in these Matters, that he is greatly surprized to see, instead of suitable Supplies for the Maintenance of Government, and defraying publick Charges for the publick Safety, Time only lost (while his constant Expences run on) in Disputes upon Heads which he had as fully settled before his Departure, as could on the best Precautions be thought convenient or reasonable, even at a Time when he was leaving you in Doubt whether it would be possible to divert the Bill then moving in Parliament for annexing all these Governments to the Crown; which being now diverted, and himself secure in the Possession of his Right, so long as his Circumstances shall render the Administration of it practicable, he is the more astonished to find you, for whose Sakes chiefly, and not his own, he has undergone the late Fatigues, and expensive Troubles, in maintaining it, express no greater Sense of Gratitude than has hitherto appeared.

The Proprietary also further assures us, that had those three Bills (of which Copies were sent Home) been pass'd into Acts here, they would certainly have been vacated by her Majesty, beeing look'd on by Men of Skill, to whom they have been shewn, as very great Absurdities; what I must not be silent in, is, that he highly resents that heinous Indignity, and most scandalous Treatment, he has met with in the Letter, directed not only to himself, but also to be shewn to some other Persons disaffected to him, in the Name of the Assembly and People of this Province; of which I have formerly demanded a Copy, but was then denied it, under Pretence (when it was too late) that it should be recalled: If that Letter was the Act of the People truly represented, he thinks such Proceedings are Sufficient to cancel all Obligations of Care over them; but if done by particular Persons only, and 'tis an Imposture in the Name of the Whole, he expects the Country will purge themselves, and take Care that due Satisfaction be given him.

Gentlemen, What I have now to lay before you, is, that you have long enjoy'd a happy State of Peace and Tranquility, without any Charge or Oppression too common to other Places; of which, if you expect the Continuance under the Proprietary's Administration, you must resolve to take Measures that will answer the Ends of Government, and recommend you to the Consideration of the Ministery at Home.

England, our General Mother, who will always think she has Reason to influence and direct the Affairs of all her dependent Dominions, not only at all Times makes ample Provision for the Support of the Regency, but at this Juncture is deeply engaged in a most expensive and dangerous War for maintaining the Ballance of Europe; while here, for some Years past, there has not been *One Penny* of publick Money rais'd, either for the Subsistance of the Government, or to defray the Charge of so much as a Message or Scout upon any important Occasion, though we are so manifestly surrounded with Dangers from Enemies, both by Sea and Land: How this will recommend us to our Superiors, or the tolerable Opinion of any considerable Man, I need not, I suppose, spend Time to make you further sensible; but this I can assure you that unless you lay these Things to Heart, and for your own Sakes, if not for his, makes a speedy and suitable Provision, the Proprietary will withdraw his Care, and no longer contend with the many Oppositions he has perpetually met with, to his vast Trouble and Charge, for continuing to you the Privileges you have hitherto happily enjoy'd.

We are alarmed on all Hands at this Time, with the Accounts of Privateers intending to visit our Coasts; and the *Indians*, especially to the *Southward*, are certainly affirm'd to be in a general Commotion; and therefore it requires our immediate Care to secure our own and Neighbours by Treaties; which as they always carry a certain Charge with them, so they must be considered. I have hitherto been very ready, and always shall, while duly encouraged, to do all for the publick Safety that lies in my Power; but without some necessary Funds for it, it is impossible for me to proceed. Trade likewise labours under great Inconveniencies, as the Merchants frequently complain, and calls for a Regulation by some wholesome Laws, that after the prudent Example of other Governments, might render it more advantageous to those of the Place; a Care of which, might not only answer this good End more immediately aimed at, but likewise be made a Branch of such a proportionable Revenue as is necessary to all Governments; and this, with the other Heads mentioned before, together with the Regulation of our Courts of Judicature, I must seriously recommend to you.

To sum up what I have to say, I conjure you, Gentlemen, as you will answer to God, and the Country you represent, to consider, and seriously lay to Heart, your present Condition. You contend and raise continual Scruples about your Privileges, which have not been attempted to be violated;

but seem to neglect what is truly so, and of the greatest Importance to you: Let it not be hereafter told, that what the more open Enemies of this Government could not hitherto effect, you have been made Instruments in the Hands of designing Men to bring to pass of yourselves.

The Proprietary (who, it is well known, has hitherto supported this Government) upon such Treatment as he has met with, is frequently solicited to resign and throw up all without any further Care; but his Tenderness to those in the Place, whom he knows to be still true and honest, prevails with him to give the People yet an Opportunity of shewing what they will do, before all be brought to a closing Period.

Methods have been taken to provoke him to this, that there might be the greater Shew of Blame for it when done, though it could not be avoided; but assure yourselves, that he will be justified by all reasonable Men, for withdrawing the Exercise of his Care over those that being so often invited to it, take so little of themselves. The Queen's most Gracious Majesty will, doubtless, be indulgent to all her loyal Subjects; but a People that contributes nothing to support the Burden of Affairs at Home, will in vain expect from the Ministry greater Privileges at such a Distance, than those enjoy more immediately under her Care, who pay towards her Majesty's Service an Equal Share with all others.

No particular Privilege can be hoped for, or depended on here, but what are grounded on the Royal Charter to the Proprietary; and to obtain these successfully, requires a more powerful Interest, and stronger Intercession, than any in these Parts can pretend to make.

Those who pretend to persuade you to the contrary, will be found to amuse you to no Purpose, and your Eyes may be opened when it is too late to repent; you are therefore now to consider your own Interest, which chiefly lies at Stake, while you have an Opportunity; let not any Artifices prevail to make you forfeit it.

I have told you the only Methods can be used to recommend you succesfully to the Crown *(to wit)* a suitable Provision for the Support of Government, and Safety of her Majesty's Subjects; and if you neglect to put them in Practice, whatever the Event may be, it will lie at your own Door.

This I am constrained as well for her most sacred Majesty's Service, as in Duty to the Proprietary, to lay before

you, and expect a suitable Answer, not in Words only, but such Effects as Become the Trust reposed in you."

Ordered, That the said Speech be read again this Afternoon; and then the House

Adjourned till Two a Clock this Afternoon.

The House met, and the Members being called over, a Quorum appeared; but *Charles Read*, and *Joseph Coeburn*, appeared not.

William Trent, and *Richard Hill*, in a Message from the Governor, desire this House to send him Notice under the Speaker's Hand, what Members are wanting in this Assembly, that he may issue forth his Writs for electing them.

Resolved, N.C.D. That Application be forthwith made to the Governor, to issue forth his Writ or Writs, for electing of two Members in the Room of *Richard Hough*, and *Peter Warral*, deceased; to serve in Assembly for the County of *Bucks*, until the next Election in Course.

Ordered, That *John Swift*, *Nicholas Pile*, and *Henry Paxton*, do wait upon the Governor, and acquaint him, that it is the Request of this House, that he issue forth Writs for electing two Members for the County of *Bucks*, instead of the said *Richard Hough*, and *Peter Warral*, deceased; and that he may be pleased to signify to this House when he intends to make the same Writs returnable.

The Members returned, and acquainted the House, that they delivered their Message; and the Governor promised to send an Answer forthwith.

The Governor's Speech being read again, it is ordered that a Committee be appointed To-morrow Morning to answer the same.

Joseph Wilcox has Leave to be absent To-morrow.

John Roberts had Leave to be absent To-morrow Morning.

Edward Shippen and *Griffith Owen*, brought a written Message from the Governor, which one of them read, and delivered to the Speaker, which is as followeth, *viz.*

The Governor's ANSWER *to the* Assembly's *Message, the* 10*th Day of the* Third Month, 1705, P. M.

"TO-day being the first Time the Governor has had due Notice of the Loss to two Representatives for the County of *Bucks;* he will issue his Writ without Delay, and will order the Sheriff, as it is usual in the Parliament of *England* in like Cases, to return it forthwith; and that the Members to be chosen, with all convenient Speed repair to

the Service of the House: but if it is designed by this Message to know a certain Day to which the House may adjourn, as was mentioned this Morning at the Council-Board by the Speaker, the Governor informs the House, that the Matters recommended to them in his Speech To-day, he conceives to be of such Importance, that they will not admit of Delay; and the House being now sufficiently full to go upon any Business, if they are inclinable to it; and the Governor being also obliged to be at *Newcastle* on the Twenty-third of this Month, he expects the House will forthwith, without any further Loss of Time, apply themselves to the Consideration of what is laid before them; and will not consent to an Adjournment, until they have taken some due Notice of the same.

The Governor further requires, that such Members of the Council as he appoints for that Purpose, have Access to the Journal of the House, and that they may have Copies of such Parts of it as are, or shall be, by them thought convenient to be taken."

And then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Members being called over, a Quorum appeared; but *Francis Rawle*, *Charles Read*, *John Swift*, and *Joseph Coebourn*, appeared not.

Joseph Wood, one of the Committee, formerly appointed to assist the Speaker in regulating and revising the Minutes and Votes of the House, moves for further Time to accomplish the same; which is granted.

The Governor's Speech coming again under Consideration, it is resolved, that the said Speech be debated in the House by Paragraphs, which was done.

Ordered, That *Joseph Growdon*, *Reese Thomas*, and *John* Hoodt, be a Committee to draw an Answer to the said Speech, according to the particular Heads agreed upon in the House.

Adjourned till Two a Clock in the Afternoon.

The House met, and the Members being called over, a Quorum appeared.

Ordered, That the Committee go about the Business referred to them this Morning.

William Biles, *Thomas Watson*, and *Nicholas Fairlamb*, had Leave to be absent till the fourteenth Instant, at Two a Clock in the Afternoon; and then the House.

Adjourned till Ten a Clock To-morrow Morning.

The House met, and the Members being called over, a Quorum appeared.

Joseph Growdon reported from the Committee appointed to draw an Answer to the Governor's Speech, that they had prepared the same; which being read, and, after some Debate, the House refers the further Consideration thereof to the said Committee;

And then the House adjourned till the fourteenth Instant, at Two a Clock in the Afternoon.

The House met, and the Members being called over, a Quorum appeared; but *Charles Read, William Biles, John Swift, Jeremiah Langhorne, Thomas Watson,* and *Joseph Coebourn,* appeared not.

The Answer to the Governor's Speech came again in Debate, and after some Amendments, was agreed to by the House, N.C.D. and ordered to be transcribed.

Ordered, That *Joseph Wood* draw up and Answer to the Governor's written Message of the tenth Instant.

Adjourned till Nine a Clock To-morrow Morning.

The House met, and the Members being called over, a Quorum appeared; but *Everard Bolton, Charles Read, William Biles, Joseph Growdon, John Swift,* and *Joseph Coebourn,* appeared not.

The Answer to the Governor's Speech being transcribed, was brought to the House, and ordered to be signed by the Speaker, and sent to the Governor, which is as follows, *viz.*

To JOHN EVANS, Esq; Governor of *Pennsylvania*, &c.

May it please the Governor.

THE *Speech thou wert pleased to make unto the Assembly, of the tenth Instant, had been read in the House, and after deliberate and mature Debates thereon, we humbly return the Answer following,* viz.

We are truly sorry, that our Proprietary and this House should disagree in Opinion in the Matters of our Proceedings in Assembly; and his being surprized is no little Surprize unto us; considering that to pursue our own Interest, and to answer the Trust reposed in us, our Part is to maintain a constant Respect and due Regard of the Proprietary's both Honour and Interest; where, at the same time, we preserve the Rights and Privileges of the Queen's Subjects, the Freeholders of this Government; which, we are of Opinion, ought to be by him withstood; and we hope, that a right Understanding in him, and thyself, of our true Meaning, and due Respects towards both, and our Desire of advancing the Safety of the People under your Government, will create better

Opinion of our Intentions and Actings; which Considerations duly taken up by all concerned, will lead us to Concord, and a friendly Concurrence, in doing what shall conduce to the Honour of the Governor, and Happiness of the People; and that to effect this, according to our earnest Desire, our Misunderstandings of Explanations, Comments, and Constructions of Laws and Charters on both Sides, in short Time will be removed by fair Discussion; and that in the mean time charitable Thoughts and Love may be respectively embraced.

We would gladly know what three Bills those were, of which Copies were sent Home, and look'd on by Men of Skill as great Absurdities, and what the Proprietary's Objections are unto them? If those three Bills be the same we imagine them to be, we are of the Mind, the Interfering of the Proprietary's Commission granted to thee, and the Charter granted to the Freeholders, occasioned such Clauses as seemed Absurdities to Men of Skill, who might not be so well apprized of our Charter Privileges; and if one of the Three be that concerning Attestations, we shall be almost astonished that it wanted the Proprietary's Approbation, and his utmost Endeavours to procure the Royal Allowance.

As the Representation, of Letter sent to the Proprietary, by Order, or in the Name of the former Assembly, which he takes it seems as an Indignity, and resents it accordingly, it not having been done by this House, but being the Act (or in the Name) of a former, as we are not intitled to the Affront (if any be) neither are we concerned in answering it; our Part is to lament (as we really do) that there should be true Occasion for such Representation, or if none, that it should be offer'd our Proprietary, whom we both love and honour; and therefore we hope his Obligations of Care over us, and the People of this Province, by no such Means shall be cancelled.

As we must acknowledge the Peace we have enjoy'd since here settled, we must also acknowledge with great Humility, that it is chiefly owing to divine Providence; Nevertheless, we are willing (as is some Measure we have done to contribute for Support of Government, by all such due Means as are fit to be taken, according to our Circumstances and religious Persuasions; and being inclined to take Care of Trade, we are willing to receive what the Merchants shall think fit to lay before us, and to take due Consideration of it; and as to the Regulation of Courts, it hath been under Consideration of this House, and a Bill almost ready to be presented for the Governor's Assent. And to conclude, as we have under the

Proprietary's Administration hitherto enjoy'd great Tranquility, we are truly desirous of a Continuance of the same Administration, and shall be willing to pay unto thee his Lieutenant due Respect in thy great Station, not only by Words, but such effective Acts and Actions, as shall demonstrate unto the World our Loyalty to the Queen's Honour, to the Proprietary, and true Love to thyself.

Joseph Wood reported, that he had prepared an Answer to the Governor's written Message; which being read, was after some Amendments agreed to by the House, N. C. D. and ordered to be transcribed, and signed by the Speaker, and sent to the Governor, and is as follows, *viz.*

To JOHN EVANS, Esq; Lieutenant Governor of the Province of *Pennsylvania*,

The ADDRESS of the Assembly of the said Province. Sheweth,

THAT *whereas by thy Message which we received the tenth Instant, thou art pleased to insist, that that Day was the first Time thou had due Notice of the Loss of two Representatives for the County of Bucks; this House cannot be of Opinion, but that thou had sufficient Notice of the said Loss, by the Intimation thou had thereof by some of the Members of this Assembly on the fifth Instant, especially considering the Want we have of them, and the two other Members who are absent from their Service, the one through the Indisposition of some of his Family, and the other by Sickness; so that we are very rarely more than a Quorum, which very much retards our Business.*

As for the Members of Council having Access to our Journal, this House does not intend to conceal it from the Sight of any, but will publish the same with all convenient Speed.

Ordered, That *John Roberts*, *Richard Hayes*, and *Thomas Watson*, do wait upon the Governor with the said Answers; who returned, and acquainted the House, that they delivered the same according to Order.

Adjourned till Three a Clock this Afternoon.

The House met, and the Members being called over, a Quorum appeared; but *Charles Read*, *William Biles*, *John Swift*, and *Joseph Coebourn*, appeared not.

Ordered, That *Joseph Wood*, *Reese Thomas*, and *Henry Paxton*, do wait upon the Governor, to know whether the Laws of this Province, which have been transmitted to the King, in the Year 1701, or any of them, are approved, or rejected?

And to know whether the Governor will think fit to proceed upon the Consideration of the Bills now before him?

Joseph Wood reports, that they delivered the Message to the Governor: and he promised to send this House an Answer in less than an Hour, during which Time the House continued sitting, but no Message came from the Governor; therefore the House

Adjourned till Seven a Clock Morning precisely.

The Members being called over, *Reese Thomas*, *Everard Bolton*, *Edmund Orpwood*, *John Roberts*, *Francis Rawle*, *Charles Read*, *Thomas Masters*, *William Biles*, *Joseph Growdon*, *John Swift*, *Richard Hayes*, and *Joseph Coebourn*, made Default, so that there was not a Quorum appeared at the Time appointed.

Joseph Woods, *Joseph Growdon*, *Jeremiah Langhorne*, *Thomas Masters*, *John Roberts*, *Edmund Orpwood*, *Reese Thomas*, and *Richard Hayes*, paid their Fines, being in all *Six Shillings* and *Six Pence*, for their Defaults hitherto.

Francis Rawle, and *Everard Bolton*, paid *Two Shillings* and *Six Pence*, for their Defaults.

Ordered, That *Nicholas Fairlamb*, and *John Bennet*, do wait upon the Governor, and acquaint him, that the House is met; and desire to know if he has any thing to communicate, else they are inclined to adjourn till To-morrow, because of the Fair.

They returned and acquainted this House, that the Governor will have a Message ready in a short Time, and so desired the House not to adjourn yet.

John Swift appeared, and paid *One Shilling* and *Eight Pence* for Default.

William Trent, and *Richard Hill*, brought a written Message from Governor, which is as follows.

The Governor's ANSWER *to the* Assembly, *the 16th Day of the* Third Month, 1705.

"As to the Laws sent Home in the Year 1701 (or soon after) the Governor can only inform, the Proprietary has advised, that they long lay before the Attorney-General, for want of a large Fee to obtain his Report to the Lords of Trade; that the Proprietary having already since his last Arrival, expended above *Two Thousand Pounds* in *London*, where absent from his Family, he has spent most of his Time in attending the Affairs of this Government, found, and still finds it an insupportable Hardship, to advance the

necessary Sums to carry Business forwards; but that notwithstanding, they are at length reported.

As to the Bills that were lying before the Governor the last Session, he is much discouraged from proceeding any further, or spending more Time, considering how much has already been lost on one of them to very little Purpose. He believes the Obligation between the Proprietary and People, to be equal on both Sides: That at the same time they desire a perpetual Law to secure them effectually in all Things they can crave, either in Liberty or Property: They ought to take the same Care to make the Proprietary as easy in his Affairs.

That dedious Bill of Property is fitted so entirely for the People's Interest, with not only no Regard to the Proprietary (whatever is pretended) but so manifestly to his Injury, that seems strange how reasonable Men could, without some Confusion, offer it, and not think at the same time of an Equivalent on the other Side, which ought always to arise in the House, and not from the Governor. This Equivalent, the Governor is if Opinion, ought to be a settled Revenue for the Support of Government, and defraying publick Charges, by such a Provision as is made in all other trading *English* Colonies, where the yearly Emoluments of the Government are generally sufficient to support it; whereas there is nothing here, but to the Scandal of the Place, all is done at the Proprietary's Charge; nor can the Governor believe, that such a Provision is any Favour, or Bounty to the Proprietary: All he craves, is, that you would support yourselves, now you are more able to do it than he, who has much too long bore the Charge, and then you will not want his Favour and Protection to the utmost.

What has been hitherto given the Proprietary, has been very poorly paid; and even some of the Members of the present House, have contemptuously and obstinately opposed the collecting of it, and yet this was for the Time past only; since which, there are now above four Years elapsed without any further Provision, though the publick Charge has constantly run on.

The Governor therefore lets the House know, that if they shall think fit to take into Consideration such a Settlement as is before mentioned, that the Country may bear its own Charges, and shew such a hearty Inclination, as may induce him to believe they are in earnest, he will at the same time be ready to confirm all Things to the People that can be thought in any wise due to them in Equity or Justice; always

"having an equal Regard to the Proprietary's just Interest."

The said *Richard Hill* added by Word of Mouth, "That the three Bills whereof Copies were sent Home, are the Bills for Confirmation of the two Charters, and the Bill of Property, and not the Bill about the Affirmation."

The said Message was read, and ordered to be read again To-morrow.

Adjourned till Eight a Clock To-morrow Morning.

The House met, and the Members being called over, a Quorum appeared; but *Joshua Carpenter*, and *Francis Rawle*, appeared not; but afterwards *Joshua Carpenter* came, and paid *Ten Pence*, and *Francis Rawle* paid *Ten Pence; William Biles* appeared, and paid *Ten Pence*, in full for his Fine for his Absence.

The Governor's Answer to the Assembly in a Message sent to this House Yesterday, was read again, and after some Debate it was resolved, that the House will resolve itself into a Committee of the whole House at Nine a Clock To-morrow Morning to consider of a Supply for Support of Government, and of an Answer to the said Message.

And then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Members being called over, a Quorum appeared; but *Charles Read*, and *Joseph Coebourn*, appeared not.

Upon Motion made, and the Question put, that a Bill be prepared for ascertaining the Rates or Value of Money, in Payment of Debts contracted before the Queen's Proclamation took Effect? *carried in the Affirmative*, N. C. D.

Then the House, according to the Order of Yesterday, resolved into a Committee of the whole House, to consider of a Supply for the Support of Government, and of an Answer to the Governor's last Message; and after some Time spent therein, the Speaker assumed the Chair, and *Joseph Wilcox* reported from the said Committee, that tho' they had made some Progress in the Business before them, yet forasmuch as the Matters under Consideration are of great Importance, the Committee desired him to move for Leave to sit again To-morrow Morning.

Resolved, That this House will To-morrow, at Nine a Clock in the Forenoon, resolve itself into a Committee of the whole House, to proceed in the further Consideration of the Premises; and then the House

Adjourned till Eight a Clock To-morrow Morning.

The House met, and the Members being called over, a

Quorum appeared; but *Charles Read*, and *Joseph Coebourn*, appeared not.

The House then, according to the Order of Yesterday, resolved into a Committee of the whole House, to consider further of a Supply to be raised for Support of Government, and defraying the publick Charges; and after some Time spent therein, the Speaker assumed the Chair, and *Joseph Wilcox* reported from the said Committee, that they had made some further Progress therein, and were come to the following Resolve, and had desired him to report it to the House; which he read, and after delivered the same at the Table, and is as followeth, *viz.* "That the Sum of *Twelve Hundred Pounds* be raised for Support of Government, and defraying the publick Charges; as also, an Impost on all Wines and Cyder imported into this Province in foreign Bottoms; and that a Committee be appointed by the House to answer the said Message fully with all convenient Speed."

Ordered, That this Resolve be read again in a full House.

Ordered, That *Joseph Wood*, *Nicholas Pile*, and *Isaac Taylor*, do wait upon the Governor, and acquaint him, that in regard he is obliged to be at *Newcastle* the Twenty-third Instant, this House incline to adjourn till the eleventh Day of the next Month, if the Governor thinks well of it.

They returned, and acquainted the House, that the Governor did not intend to go down to *Newcastle* till *Wednesday* next, and could not conclude about the Adjournment till *Monday* in the Evening; but expected the Assembly's Answer to his last Message.

John Swift has Leave till Two in the Afternoon next Second-Day, and *Reese Thomas* till Ten in the Morning.

Adjourned till the Twenty-first Instant, at Nine a Clock in the Morning.

The House met, and the Members being called over, a Quorum appeared; but *Francis Rawle*, *Charles Read*, *Jeremiah Langhorne*, and *Henry Paxton*, appeared not.

Joseph Coebourn came and excused his Absence, by Reason of his Wife's Indisposition, and the House remitted his Fine.

Adjourned till Three a Clock this Afternoon.

The House met, and the Members being called over, a Quorum appeared.

Joshua Hoopes, and *Samuel Beaks*, presented themselves to this House, to serve this Assembly for Bucks County, in the Room of *Peter Worral*, and *Richard Hough*, deceased.

Maurice Lisle being appointed Clerk of this Assembly by the Vote of House, was engaged to Secrecy; and thereupon it

was agreed, N. C. D. that he shall be paid *Six Shillings per* Day for his Service, out of the first Tax that shall be raised.

Ordered, That *John Swift* repair to the Secretary, for a Copy of the Sheriff's Return of the said Members, or a Certificate that they were chosen.

Henry Paxton being absent this Morning, paid his Fine.

Francis Rawle being absent this Morning, paid his Fine.

Jeremiah Langhorne being absent this Morning, is excused.

The Assembly's Answer to the Governor's Message of the sixteenth Instant, was read, and ordered to be read again To-morrow Morning.

Ordered, That *Joseph Wood*, *Nicholas Pile*, and *Isaac Taylor*, do wait upon the Governor, and acquaint him, that the Answer to his Message on the sixteenth Instant, is prepared, and will be further considered To-morrow Morning; at which Time the House expects the two Members newly chosen for the County of *Bucks*, to be ready to receive their Qualification, in order to sit and Act in this Assembly.

They returned, and report to the House, that the Governor is gone out of Town;

And then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Members being called over, a Quorum appeared.

Ordered, That *William Biles*, and *Thomas Watson*, repair to the Secretary, and let him know it is the Order of this House, that he forthwith send the Sheriff of the County of *Bucks*, his Return of the Election of the two Members lately chosen to serve in this Assembly, in the Room of *Richard Hough*, and *Peter Worral*, deceased, or a true Copy of the Writ and Return aforesaid.

They returned, and reported to the House, that they had brought the said Writ and Return, which they delivered at the Table.

Ordered, That the said Writ and Return be copy'd, and sent back to the Secretary's Office.

The two new elected Members, *viz. Joshua Hoopes*, and *Samuel Beeks*, being sent for, appeared; and after they subscribed the Declarations, and Profession of Faith, which the rest of the Members of this Assembly subscribed for their Qualifications to sit and act in this House, took their Seats.

The Assembly's Answer to the Governor's Message of the sixteenth Instant, was again read and debated; and after some Amendments, it was resolved that the same be forthwith

transcribed, and signed by the Speaker, in order to be sent to the Governor, and is as follows, *viz.*

To JOHN EVANS, *Esq; Lieutenant Governor of the Province of* Pennsylvania, *&c.*

The ADDRESS *of the Freemen of the said Province in* Assembly *met, the* 21*st Day of the Month called* May, Anno Domini, 1705.

In all humble Manner sheweth,

THAT thy written Message, or Answer to the Assembly, sent to the House on the sixteenth Instant, being duly weighed and considered by us, we are sorry to hear that the Laws should lie so long before the Attorney-General, for Want of Fee to obtain his Report to the Lords of Trade, since the Proprietary, when last in this Country, was pleased to undertake as Agent for the People to obtain the Royal Sanction to our Laws, and to make good Terms for us, if he were forced to surrender the Government; and if he had found that the Money he had, and was to have, by the *Two Thousand Pound* Act, had not been sufficient to defray the Charge of his Negotiation in that Behalf, we doubt not but the former Assembly (had they been acquainted therewith) would have took effectual Care to supply such Defects: And if this Assembly were favour'd with an Account of the particular Sums that the Proprietary hath disbursed in the getting our Laws passed, or in diverting the Bill formerly moved in Parliament, for annexing this Government to the Crown, we assure the Governor, that we would chearfully contribute thereunto, so far as in Honour and Duty we are obliged to do.

Thou art pleased to signify, that our Laws are at length reported: We now desire (as by our Message sent thee on the fifteenth Instant we did request) to know which of them are approved, and which of them are rejected, that we may not spend our Time here either to make such Laws as we find will not be accepted, or to enact again what has been approved of at Home.

We are heartily sorry, that the Proprietary should be obliged to spend so much Time and Money in attending the Affairs of this Government, but hope it ought not to be wholly placed to our Account.

We find that the last Assembly were, as we now are, ready and willing, so far as we can, to ease the Proprietary of

some Part of the necessary Charge for transmitting such Laws as may be passed here, and for presenting them to the Queen, according as the Proprietary is obliged by his Patent.

We heartily agree with thee, that the Obligations between the Proprietary and People are equal; and we hope it will not be in the Power of any to dissolve those Ties, which we look upon to be sacred, as well as reciprocal; and we doubt not, but upon an impartial View and Consideration of what the People of this Province have done, and are willing to do, for Support of Government, will prove a sufficient Equivalency, if not surmount all that the Proprietary hath hitherto done for the Province, especially if he has not procured the Royal Approbation to our Laws, or such of them as may be of Service to the People.

And for the better clearing of this Point, we crave Leave to inform the Governor, that the first Settlement of this Province under the Proprietary, was chiefly by People of good Estates and Credit, who were real Adventurers with him in that great and commendable Design, and became Purchasers of their respective Shares of the Country for Money: But we find upon Communication had between him and them, concerning the extraordinary Charge which he should be at in the Administration of the Government, they agreed to pay him a Quit-rent of *Twelve Pence* for every hundred Acres of their purchased Lands; besides, the Proprietary had so modelled the Government, to consist of himself, or his Deputy, and a Provincial Council, who by all the former Charters and Laws of this Province, were obliged to attend, and were to be paid so much *per* Day for their Attendance in Council, whose Salaries have been, or ought to be, paid by the Country; and not only so, but we understand the Proprietary expects that *Thomas Lloyd's* Salary, for about nine Years Service, as his Deputy or Lieutenant, must also be paid by the Country; which we look upon very hard, considering that the Proprietary's Stay then in *England*, as appears by his own Letters, was for the Service of that Nation, and the Disservice of this Province, by the Loss of many *Thousand Pounds* to himself, and many hundred Families to this Province; and what adds to our Trouble, is, that the Business about which the Proprietary went Home, in the Year 1684, being the Decision of the Bounds or Division Lines between him and the Lord *Baltimore*, is not yet settled, which proves a very great Discouragement to the Province, as well as to the Lower Counties.

May it please the Governor, we do not mention these Things, nor insist upon the Charge that the People have been at, or that the Rents or other Charges that they are obliged to pay, should conclude the Proprietary or his Deputy to expect no other Supplies for Support of Government, but to take off that scandalous Charge of Ingratitude, that is too industriously endeavoured to be cast upon us, and the good People we represent.

As to the Bill of Property, we are humbly of Opinion, if thou thinks fit to pass it, that the Proprietary will be better secured in some Branches of his Property than he now is: and since thou concedes it is fitted for the People's Interest, we cannot conclude that it is far wide of the Proprietary's true Interest: However, if it want any thing that may be for the Security of his Rights, we shall be glad to embrace such a Proposal of Amendment, which we think must arise from that Board; and as to the Tediousness of the Bill, we conceive that various Occurances and Alterations of Officers, Neglects of Surveyors, and others concerne'd in granting and managing the Proprietary's Lands, as well as some Defects in the Constitution of the Government, in so long a Tract of Time, will apologize for the Length of the Draught. Nevertheless, we are both willing and desirous that the same may be contracted in what we propose, and added to in what may be for the Proprietary's Service, so as the People's Rights in all Respects be saved: In the mean time we desire that that, as well as such other Bills which are, or shall be sent for thy Concurrence, may receive thy candid Construction, and not be rejected without thy particular Reasons and Objections, which thou hast not afforded us upon this Bill, though it had been before thee about eight Months.

As to what has been heretofore given the Proprietary, we do not find that any Member of this House hath contemptuously or obstinately opposed the Collecting of it; though some have not thought fit to pay it, because they were put off and delay'd in the Confirmation of their Lands, which they look'd upon to be Part of the Consideration for which that Tax was granted: What other Reasons may be offered for their Refusal, we refer to their Answer, when they are by due Course of Law called thereunto.

We have taken into our Consideration, and resolved to raise *Twelve Hundred Pounds*, besides an Impost on Wines, Cyder, *&c.* for Support of Government, and defraying the publick Charges thereof; and we intend to get the Bill ready, which, we hope, will sufficiently prove we are in earnest,

and without any other Reserve, but thy Concurrence, to redress the Grievance of the People we represent,, and confirm them and us in all Things which we shall think agreeable with the Proprietary's Promises and Engagements to us, according to Equity and Justice; which we know cannot be without due Regard to the Proprietary's Just Interest.

Signed by Order of the House, per

DAVID LLOYD, *Speaker.*

The Resolve of the Committee of the whole House on the nineteenth Instant, about raising a Tax of *Twelve Hundred Pounds for Support of* Government. was read again, and agreed to by the House, N. C. D.

The House taking into Consideration the Method of raising the said Tax, resolved, N. C. D. that the same shall be raised at *Two Pence Halfpenny per Pound*, and *Ten Shillings* per Head.

Resolved, That *Six Hundred Pounds* of the said Tax, with the Impost upon Wine and Cyder, *&c.* shall be appropriated to the Governor.

Adjourned till three a Clock this Afternoon.

Ordered, That *Thomas Masters*, *Reese Thomas*, *Samuel Becks*, and *John Bennet*, do wait upon the Governor with the Assembly's Answer to his said Message, and to know his Pleasure concerning the Time of our Adjournment; and that they deliver the Writ for electing the two new Members for *Bucks* County, with the Sheriff's Return thereof, to the Secretary.

Thomas Masters reports, that he and the other Members delivered their Message to the Governor, and the said Writ and Return to the Secretary, according to Order; and that the Governor said, he could not resolve us about the Adjournment till he had read the Address then presented him.

Adjourned till Seven a Clock To-morrow Morning.

The House met, and the Members being called over, *viz.*

Philadelphia *County.*	Bucks *County.*	Chester *County.*
David Lloyd, Speaker.	*William Biles*,	*Nicholas Pile*,
Reese Thomas,	*Joseph Growdon*,	*John Bennet*,
Everard Bolton,	*John Swift*,	*Nicholas Fairlamb*,
Joseph Wilcox,	*Jeremiah Langhorne*,	*Joseph Coebourn*,
Joshua Carpenter,	*Henry Paxton*,	*John Hoodt*,
Edmund Orpwood,	*Thomas Watson*,	*Richard Hayes*,
John Roberts,	*Joshua Hoopes*,	*Joseph Wood*,
Francis Rawle.	*Samuel Beeks*.	*Isaac Taylor*.

City of Philadelphia.

Thomas Masters, *Charles Read.*

Which Members appeared except *Charles Read.*

Ordered, That *Joshua Hoopes, Joseph Coebourn,* and *Edmund Orpwood,* do wait upon the Governor, to know his Pleasure concerning the Time of our Adjournment.

The said Members returned, and acquainted the House, that the Governor was not at home, but that spoke with the Secretary, who informed them, that he thought the Governor would be back in two Hours; for which Time the House adjourned.

And then the House met again.

Ordered, That the Members were sent to the Governor before, do wait upon him with the same Message.

The returned, and acquainted the House, that the Governor was not come home;

And then the House adjourned till Two a Clock this Afternoon.

Post Meridiem.

The House met, and the Members being called over, appeared.

Ordered, That the same Members who were sent to the Governor this Morning, to know his Pleasure concerning the Adjournment, do wait upon the Governor again with the same Message.

The returned, and acquainted the House, that the eleventh Day of Next Month will suit with the Governor's Conveniency of meeting the Assembly: Therefore the House adjourned accordingly till the eleventh Day of the Month called *June* next, at Two a Clock in the Afternoon.

THE House met, and the Members being called over, a Quorum appeared; but *Thomas Masters, Charles Read, Joseph Wood,* and *Jeremiah Langhorne,* appeared not.

Adjourned till Eight a Clock To-morrow Morning.

The House met, and the Members being called over, a Quorum appeared; but *Francis Rawle, Thomas Masters, Charles Read, Jeremiah Langhorne,* and *Joseph Wood,* appeared not.

The Speaker communicated to the House a Letter from the Governor which he received this Morning, whereby the Governor is pleased to intimate, that his Business at *Newcastle* will detain him there beyond the Adjournment, but intended to meet us on the eighteenth Instant; till which time he desires this House may adjourn.

William Biles, one of the Members of this House, complains

against the Justices and Sheriff of the County of *Philadelphia*, for a Breach of Privilege.

Ordered, That the said Complaint shall be taken into Consideration the first Thing that the House go upon the Second Day of the next Week; and so the House

Adjourned till the eighteenth Day of this Instant, at Three a Clock in the Afternoon.

THE House met, and the Members being called over, a Quorum appeared, but *Everard Bolton*, *Charles Read*, and *John Swift*, appeared not.

Ordered, That *Reese Thomas*, *Joshua Hoopes*, and *Joseph Coebourn*, do wait upon the Governor, and acquaint him, that we are a full House, and ready to go upon Business.

The said Members returned, and acquainted the House, that the Governor was not at home.

Joshua Carpenter has Leave to be absent To-morrow.

Joseph Wood has Leave to be absent till Nine a Clock To-morrow.

Adjourned till Eight a Clock To-morrow Morning.

The House met, and the Members being called over, a Quorum appeared; but *Charles Read* appeared not.

The Complaint of *William Biles* against the Justices and Sheriff of the County of *Philadelphia*, for a Breach of Privilege, being again brought before the House, after some Debate, and due Consideration had thereof, the Question being put, That it is a Breach of Privilege of this House, that any Members duly elected to serve in Assembly, shall, without the Leave of the House, be summoned to drawn, or in any wise compelled, during the Session or Continuance of Assembly, to appear at any inferior Court in this Province, upon any Pleas or Complaints, excepting for Treason, Felony, or Breach of the Peace? *It passed in the Affirmative:* And then the House

Adjourned till Three a Clock this Afternoon.

Post Meridiem.

The House met, and the Members being called over, a Quorum appeared.

The Complaint of *William Biles* was taken into further Consideration; and after some Debate the Question being put, That the Sheriff who summoned the said *William Biles*, to answer an Action commenced against him at the last County Court held at *Philadelphia*, as also the Justices of the said Court, *viz. John Guest*, *Samuel Finney*, *Joseph Pidgeon*, and

Edward Farmar, who deny'd the said *William Biles* his Privilege, by over-ruling his Plea in that Behalf, have committed a manifest Breach of Privilege against this House? *It pass'd in the Affirmative.*

Joseph Wilcox has Leave to be absent To-morrow; and then the House

Adjourned till Seven a Clock To-morrow Morning.

The House met, and the Members being called over, a Quorum appeared; but *Charles Read*, and *Joseph Growdon*, appeared not.

Whereupon the House having taken the Matter of Supply into further Consideration, resolved into a Committee of the whole House, to consider of the Impost agreed to be raised towards Support of Government; and after some Time spent therein, the Speaker assumed the Chair, and *Joseph Wood* reports from the said Committee, that they had made some considerable Progress in the Consideration of the Matter referred to them; and that the Committee directed him to move the House, that they may have Leave to sit again this Afternoon.

Resolved, That the House will at Four a Clock this Afternoon resolve itself into a Committee of the whole House, to proceed in the further Consideration of the said Impost;

And then the House adjourned till Three a Clock this Afternoon.

Post Meridiem.

The House met, and the Members being called over, a Quorum appeared.

Then the House resolved into a Committee of the Whole House, to consider further of Ways and Means for raising the Impost; and after some Time spent therein, the Speaker assumed the Chair, and *Joseph Wood* reports from the said Committee, that they had made a further Progress in the Matter to them referred, and that the Committee had come to several Resolutions; which he delivered in at the Table, and were read, and agreed to by the House, *viz.*

That *Four Pound per* Pipe be laid upon all Wines imported into this Province, from any of the neighboring Provinces, not immediately coming from the Place of Growth in any Vessel whatsoever.

That *Thirty Shillings per* Pipe be laid upon all Wines imported directly from the Place of Growth, and not in Vessels one Half of whole Owners are Inhabitants of this Province.

That *Twenty Shillings per Pipe* shall be paid as an Excise upon all Wines sold by Retail.

That all Rum, Spirits, or Brandy, imported not directly from the Place of Growth, shall pay *Nine Pence per* Gallon.

That a Duty of *Ten Shillings per* Barrel be laid upon all Cyder imported.

That a Duty of *Forty Shillings* be laid upon every Horse, Gelding, Colt, or Mare, that shall be imported or brought into this Province.

That a Duty of *Ten Shillings per* Head, be laid upon all Neat Cattle of above one Year old, and *One Shilling* upon all under that Age, and *Two Shillings per* Head upon Rams and Weather Sheep, and *Six Pence* upon all Ews and Lambs, and *Three Shillings per* Head upon all Swine, except sucking Pigs, that shall be imported and brought into this Province, as aforesaid.

That a Duty of *Two Shillings* and *Six Pence* per Hundred be laid upon all Beef, Pork and Bacon, imported or brought into this Province; but if the same be exported, the Exporter shall draw back *Two Shillings* of the said Duty.

That *Six Pence per* Quarter be laid upon all Mutton and Lamb, and *Three Pence* per Quarter upon Veal, imported as abovesaid.

That a Duty of *One Penny per Pound* be laid upon all Butter and Cheese, that shall be imported or brought into this Province, from the *Western* Division of *New Jersey*, and *Two Pence per* Pound for all Butter and Cheese imported by Sea.

Samuel Finney, *Caleb Pusey*, and *Richard Hill*, three of the Council, brought a written Message from the Governor; which one of them, with the Leave of the Speaker, read, and is as follows, *viz.*

From the GOVERNOR to the Assembly, a MESSAGE.

June 20, 1705.

GENTLEMEN,

"HAVING considered your last Address, I find many Things alleged, that in Justice to the Proprietary and the Publick, would require the sharpest Animadversion: They seem to proceed from a Spirit so intirely disaffected to the Proprietary, and his just Interest, that to enter upon a full Examination of them, would necessarily draw very high Resentments, which I am by all Means desirous to avoid, that Business may not be retarded; I shall but just mention them,

to let you see I am not insensible of their Bitterness; and Observe, that your diminishing the Founder and Father of the Country into an Agent for it; your charging him with the *Two Thousand Pounds* for the Expence of that Agency, which is so well known to have been granted on another Bottom; you laying the Burden of transmitting the Laws Home upon the Proprietary as an Obligation; and offering to ease him only of some Part of the necessary Charge, as a Favour; when the Laws being for the Country's Service only, the whole, in Justice, ought to lie at their Door: Your lessening his tedious and expensive Endeavours to serve and support this Country by the most unequal Comparison; your groundless and injurious Assertion of the first Agreement to pay Quit-rents; your now mentioning and charging him with *Thomas Lloyd's* Expenses, and taxing him for his Stay in *England* to serve the publick Interest of your own Friends: and lastly, your contenancing the Refractory in their Disobedience to a Law already passed for granting the Proprietary *Two Thousand Pounds*, at the same Time that you charge him with the Receipt of it, are Passages that amaze: and would exceed the Belief of any reasonable Man that has not seen them come from you; they look too much like an Inclination only to perplex and divert Business: But being still of Opinion, that these Measures are not the Result of the real Sentiments of the good People of *Pennsylvania*, I shall take no further Notice of them, but, waving the Whole, shall proceed, if you will leave any Room for it, to take all convenient Measures for advancing the publick Good, and providing for its Safety, notwithstanding so unjust and undeserved a Treatment.

What you chiefly desire in your Address, relates to the Laws sent Home, and the Bill of Property. Of the first, I have no Account what are approved by the Attorney-General, or what are otherwise: The Proprietary was in too much Trouble upon what he met with from hence to be at that Time particular: Besides that, the Attorney's Report is no Determination.

For the Bill of Property; perceiving that the Proprietary himself while here, who was the principal Party, and the Representatives, who were the other, had, after mature Consideration, and long Debates, agreed and settled all Things relating to the People's Rights and Estates, and fully secured them in the Enjoyment of them, by an Act or Law now in Being; I could not acquit myself of Presumption, if, instead of applying myself to Matters of Government, I should take

upon me to add to, or alter, what he has done, in matters relating solely to his own Estate; of which he alone (as they concern himself) is the proper Judge. Yet that I may not be wanting in any Thing consistent with the just Discharge of my Trust, that may render the People more easy, I shall concur with you, in strengthening and confirming what the Proprietary assented to in that Act; you at the same time shewing the same Regard to his Affairs. What other Things are in the Bill, which effect not the Proprietary so immediately; I shall be willing to pass in a proper Act by themselves.

And if any Thing more be wanting, that does concern the Proprietary's Estate, and is not fully expressed in the Act of Property already made, it may be passed in another Act, with a Proviso, that it shall not be in Force, unless the Proprietary himself shall assent to it: But upon a just Enquiry, I doubt not, but what is before proposed, will be found sufficient to render all that are concerned very secure and easy, if the peaceful Enjoyment of your Estates be the only Thing desired.

As for the only Reserve you make upon your Resolution to provide for the Support of the Publick, you shall always find me as ready as you possible can be, to concur with you in all Things that I shall think consistent with my Honour, and agreeable to a just Discharge of the Trust reposed in me."

JOHN EVANS.

Which Message was delivered to the Speaker, with a Complaint against *William Biles*, one of the Members of this House, which was read, and ordered to be read again Tomorrow; which is as follows.

From the GOVERNOR *to the House of* Representatives *of the Province of* Pennsylvania, June 20, 1705.

"I am further to acquaint you, Gentlemen, that *William Biles*, a Member of your House, having used some of the most scandalous and seditious Expressions against myself, importing a Design to oppose the Queen's and Proprietary's Authority duly invested in me, and thereby subvert the publick Peace and Quiet of the Government, for which he has been prosecuted since your last Session, by due Course of Law, as by the Records of the County Court of *Philadelphia* will appear; I expect that you will forthwith purge yourselves of the Contagion of so pernicious a Member, and shew your

just Resentment by expelling him from the House, and that you will send my your Result upon it without Delay."

JOHN EVANS.

Adjourned till Seven a Clock To-morrow Morning.

The House met, and the Members being called over, a Quorum appeared; but *Charles Read*, and *Joseph Coebourn*, appeared not.

Ordered, That all Committees be revived, and have Power to send for Persons and Papers.

The Complaint brought to the House last Night against *William Biles*, was read again according to Yesterday's Order; whereupon, he being withdrawn, the House entered upon the Consideration of the said Complaint; and after the same was debated, and a Copy of the Governor's Declaration against the said *William Biles* read, it appears to this House, that he is used in a civil Action for scandalous Words, not alleged to be spoken in this House.

The Question being put, that the said *William Biles* be expelled this House, according to the Governor's Request? *It passed in the Negative.*

Ordered, That an Address to the Governor be drawn concerning the said *William Biles*, which shall comprize the Opinion and Resolves of this House relating to the Premises.

Adjourned till Three a Clock this Afternoon.

The House met, and the Members being called over, a Quorum appeared.

Ordered, That the Committee of Grievances do make Report to this House To-morrow, at Three a Clock in the Afternoon.

Adjourned till Seven a Clock To-morrow Morning.

The House met, and the Members being called over, a Quorum of them appeared; but *Francis Rawle*, *Charles Read*, *Joseph Growdon*, *John Swift*, *Jeremiah Langhorne*, *John Hoodt*, and *Isaac Taylor*, appeared not upon the second Call.

The Address to the Governor, in Answer to his Message on the twentieth Instant, relating to *William Biles*, being prepared and brought to the House, and read by Order of the Speaker, and, after some Amendments, was agreed to by the House, and ordered to be transcribed, and signed by the Speaker, which is as follows, *viz.*

To JOHN EVANS, Esq; Lieutenant Governor of the Province of *Pennsylvania, &c.*

The humble ADDRESS of the House of Representatives of the said Province, in Answer to the Governor's Message on the 20th of this Instant, relating to *William Biles*, one of the Members of this House.

May it please the Governor,

UPON *reading of thy Message, as well as by the Information we have had from the Records and Proceedings of the County Court of* Philadelphia, *we find that the said* William Biles *has been prosecuted at thy Suit in that Court, for speaking some scandalous Words against thee; but whether he spoke such Words or no, we do not conceive it comes properly under our Examination, in regard they are not alledged to be spoken in this House; but whenever such Words were spoken, or whoever gave themselves the Latitude so to talk, we shall in no wise justify: Nevertheless, we beg Leave to acquaint thee, that the Manner of the said Proceedings against* William Biles, *has been very offensive to this House; and that the Sheriff of the said County of* Philadelphia, *who served him with a Writ of Summons in that Action the very Day he was attending the Service of this Assembly, has committed a Breach of Privilege against this House; and the Justices of the said County Court*, to wit, John Guest, Samuel Finney, Joseph Pidgeon, *and* Edward Farmar, *who refused to allow him his Privileges as he was a Member of this Assembly, which he pleaded only in Abatement of the said Writ, but they ruled him to plead over, and refused him on Imparlance, to the Day they allowed all others that craved the like, have also committed a manifest Breach of Privilege against this House.*

And we further acquaint thee, that it is against the Liberties and Privileges of this House, that any Member duly elected to serve in Assembly, be summoned, or drawn to appear at any of the Courts of this Province, inferior to the said Assembly, before any secular Judges or Justices, upon any Pleas or Complaints during the Session of Assembly, without Leave be given by this House for so doing, unless it be for Treason, Felony, or Breach of the Peace.

These, and such like Liberties and Privileges, belong to this House as proper and inseparable Incidents to the Power of Legislation granted to the Freemen of this Province, by Letters Patent under the Great Seal of England; *without which, the*

Rights of the Subject, and the Dignity of this House, cannot be upheld.

And as we are tender of the Privileges of this House, so we shall take all Opportunities to pay our Regards to thy Honour and true Interest, and shew our just Resentment of all Indignities that shall be offered thee in any Thing that may properly fall under our Cognizance.

But we do not find the Grounds of this Message (especially considering the Methods that have been taken) to be sufficient to induce us to expel the said William Biles *from this House; Nevertheless, we are become Supplicants on his Behalf.*

That although he has been so unhappy to fall under they Displeasure, yet be pleased to give him an Opportunity to wait upon thee, to vindicate himself so far as he can in the Matter laid to his Charge; and wherein thou finds him faulty, we desire thou wilt accept of his Submission, as we unanimously direct him to make for what he has done amiss; hoping that that will answer the End of thy Suit, rather than the Damage thou may be like to recover against him.

Adjourned till Three a Clock this Afternoon.

The House met, and the Members being called over, a Quorum appeared.

Ordered, That *Everard Bolton*, *Thomas Watson*, and *Richard Hayes*, do wait upon the Governor with the said Address; who returned, and acquainted the House, that they delivered the said Address to the Governor according to Order.

William Biles reports from the Committee of Grievances, that they having taken the several Petitions and other Matters referred to them into Consideration, agreed upon certain Resolves, which he delivered in at the Table, where the same being read, and after some Amendments agreed to by the House, are as follow *viz.*

Upon the Petition of several *Germans* for themselves, and others concerned, it is the Opinion of this Committee, that the Petitioners have Leave to bring in a Bill for the better enabling them to purchase and inherit, as also to alienate or devise Lands, Tenements and Herditaments, in this Province.

Upon the Petition of several Inhabitants of *Radnor*, and *Newtown*, about a Road lately laid out in the County of Chester, it is the Opinion of the Committee, that Leave be given to the Petitioners to bring in a Bill according as they desire.

Upon reading of several Petitions, *viz.* One from the County of *Bucks*, one from a Member of Council in the Behalf of him-

self, and other Inhabitants of the County of *Philadelphia;* as also one from the County of *Chester*, complaining of the ill Practices of Rangers, and praying that an Act be made to regulate them, and reduce their Times and Places of Ranging: It is the Opinion of this Committee that a Bill be prepared accordingly, and that Rangers be prohibited from Ranging, or taking up any Horses, Mares, Colts, or Cattle, for the Proprietary, on any other Lands than his own Manors, and that but twice in the Year, according to the Custom of some Parts of *England*, under severe Penalties.

Upon the Petition of *Francis Cook*, complaining against the Proprietary and Commissioners, for want of certain Lands and Lots, being the Consideration for a certain Bond, which (as the said Petitioner sets forth) was given by *James Claypoole* in *England* to the said Propprietary, conditioned for the Payment of *One Hundred Pounds Sterling:* It is the Opinion of this Committee, that a Bill be prepared to settle the Method and Manner of Trials between the Proprietary, or those who represent him here as Commissioners, and his Tenants, so that the People may have Justice when they are abused by him or his Commissioners.

Ordered, That the Clerk get all the Minutes and Votes of this Assembly compleated before the House meet To-morrow Morning, and that the same may be read as soon as a Quorum of the Members come together.

Ordered, That *Reese Thomas*, *Jeremiah Langhorne*, and *Nicholas Fairlamb*, do wait upon the Governor, and acquaint him, that in regard Harvest is approaching, the Assembly incline to adjourn till the thirteenth Day of the Month called *August* next.

Ordered, That the House meet at Six a Clock To-morrow Morning, and such of the Members as stay above Half an Hour after that Time, shall be fined;

And then the House adjourned till Six A Clock To-morrow Morning.

The House met, and the Members being called over, a Quorum appeared; but *Everard Bolton*, *Joseph Wilcox*, *Francis Rawle*, *Thomas Masters*, *Charles Read*, *William Biles*, and *Jeremiah Langhorne*, appeared not.

Everard Bolton, being absent this Morning, appeared and paid his Fine.

Thomas Masters also appeared and paid his Fine.

Jeremiah Langhorne also appeared and paid his Fine.

Joseph Wood appeared and paid his Fine.

Joseph Wilcox appeared and paid his Fine.

William Biles appeared and paid his Fine.

The House, according to the Order of Yesterday, proceeded to read and examine the Minutes of Assembly; but before the same was fully compleated, *James Logan* came with a Message from the Governor, and acquainted the House, that the Governor desired to speak with the Assembly forthwith.

Resolved, That the whole House attend the Governor; and accordingly the Speaker, with the House, went to wait upon the Governor, who was pleased to make a Speech to this Effect.

That the late Address of this House has been such as merited the sharpest Animadversions, and highest Resentments, which yet he had waved, that the public Affairs might not be retarded; but that he had received such an Address or Answer from the House to his Message relating to that Member who had spoken such scandalous Words of him, and had threatened to kick him out, which he understands to be out of the Administration of this Government, that he could not tell what to make of it; for that the House had thought it not their Business to examine that Matter, and yet tell him, the Person cannot be called to answer in any inferior Court; and that if that be allowed, he would fain know where such Person shall be tried? The Speaker then reply'd, "*That our Answer had no such Tendency:* Whereupon the Governor told him, He would not be interrupted; and then went on, declaring that he was duly invested with Authority over the People committed to his Trust; but that at this Rate, that Person might vend his own unbridled Will without Controul, or Words to that Effect:" The Speaker then offering to vindicate the House, *made a Motion to be heard;* the Governor refusing to admit him, went on, and said, "This was not the chief Reason of his sending for the House this time; but that the greatest Part of two Years has been spent, and nothing done to any Purpose, nor any Thing offered him fit for his passing. He supposed nothing would be done whilst the House were in such an Humour as he observed them to be in; and that he expected to find them at the next Meeting of a better Disposition, or Words to that Effect; and that therefore he dismissed them until further Orders."

And afterwards the House returned, but before the Speaker had Time to make his Report, some of the Members, *viz. Joseph Growdon, Nicholas Pile, Nicholas Fairlamb, Jeremiah Langhorne*, and *Reese Thomas*, in Contempt of the House, and contrary to the Command of the Speaker, deserted the House;

and *Isaac Taylor*, and *John Bennet*, likewise absenting themselves, and not returning to the House from the Governor, one Member was wanting to make a Quorum; and *Charles Read* continues still indisposed. Those Members who attended, were disable to proceed upon drawing the Bill to raise Money for Support of Government, and other Business intended to be prepared before the thirteenth of *August* next, but agreed to finish the Examination of the Minutes of Assembly; which was done, in order to be published.

Post Meridiem.

The House met, and the Members being called over, appeared as follows, *viz.*

Philadelphia *County.*	Bucks *County.*	Chester *County.*
David Lloyd, Speaker.	*William Biles.*	*John Hoodt*,
Everard Bolton,	*John Swift*,	*Richard Hayes*,
Joseph Wilcox,	*Henry Paxton*,	*Joseph Wood.*
Joshua Carpenter,	*Thomas Watson*,	
Edmund Orpwood,	*Joshua Hoopes*,	
John Roberts,	*Samuel Beeks.*	
Francis Rawle.		

City of Philadelphia.

Thomas Masters, *Charles Read.*

The Question being put, that the Votes, Messages, Speeches, Addresses, and Answers of the Assembly, as they were read, examined and compared, shall be publish'd, being first signed by the Speaker? *It was carried in the Affirmative*, N. C. D.

The Question being put, that Copies of all the Bills prepared by this Assembly, and sent to the Governor for his Concurrence, shall be given forth as the Speaker shall think fit? *It was carried in the Affirmative*, N. C. D.

Ordered, That the Clerk of this Assembly shall have the Benefit of all the said Copies;

And then the House adjourned till further Summons.

Perused and signed by me, according to the Order of the House of Representatives.

DAVID LLOYD, *Speaker.*

JOHN EVANS, Esq; GOVERNOR.

At an ASSEMBLY, *held in* Philadelphia, *the Fifteenth Day of* October, Anno Domini, 1705.

THE Representatives of the Freemen of the Province of *Pennsylvania*, being according to Charter elected on the first of this instant *October*, and the Sheriffs of the respective Counties having by Indentures returned into the Secretary's Office the Names of all Members chosen to serve in this Assembly, the Secretary sent the said Indentures to the House; and thereupon the Members being called over, a Quroum of them met this Day at *Philadelphia* (the fourteenth being the First Day of the Week, called *Sunday*) and chose *Joseph Growdon* Speaker of this Assembly.

The Names of the Members being as follows, *viz.*

Philadelphia *County.*	Bucks *County.*	Chester *County.*
Isaac Norris,	*Joseph Growdon,*	*Robert Pile,*
Richard Hill,	Speaker.	*Richard Webb,*
Rowland Ellis,	*John Swift,*	*Caleb Pusey,*
Reese Thomas,	*Jeremiah Langhorne,*	*Nicholas Fairlamb,*
Samuel Cart,	*Joshua Hoopes,*	*John Bennet,*
John Goodson,	*Tobias Dymock,*	*Isaac Taylor,*
William Carter,	*Henry Paxton,*	*Nathaniel Newlin,*
John Cook.	*Samuel Carpenter,*	*Joseph Coebourn.*
	William Paxton.	

City of Philadelphia.

David Lloyd. *Edward Shippen,* sen.

Resolved, That this House will wait upon the Governor, and present to him our Speaker.

Ordered, That *John Swift* do wait upon the Governor, and acquaint him, that this House desires to know when he will please to be attended upon by the House.

The said Member returned, and acquainted the House that the Governor will inform the House when he is ready to receive them.

The Sheriffs Returns of the Representatives being transcribed, *Ordered,* that *Isaac Taylor,* do carry the same to the Secretary; who returned, and acquainted the House, that he delivered the same to him according to Order.

The Charter of Privileges being lodged in the Hands of *David Lloyd,* Speaker of the last Assembly, by Order thereof was brought to the House, and (together with the Minutes of that Assembly) delivered to *Joseph Growdon,* Speaker of this House.

Ordered, That the said Charter be read distinctly to this House, and the same was read accordingly.

Griffith Owen, and *Joseph Pidgeon*, two of the Council, in a Message from the Governor, acquaint the House, that the Governor is now ready to receive them.

The Declarations and Tests prescribed by Act of Parliament, and agreed upon by the last Assembly, for Qualifications of the Representatives, were read and subscribed by the Speaker in his Chair, and by all the Members present, in Order.

Then the House went to wait upon the Governor, and to present their Speaker; and being returned, the Speaker reports, that the Governor had made a Speech to this House, and that he was pleased to deliver him a Copy thereof, which was read, and is as follows, *viz.*

GENTLEMEN,

"TWO annual Assemblies have sat and fully ended since I arrived in this Province, invested with due Powers for the happy Government of the People, and yet we have not had the Satisfaction to see any one Act brought to Effect for the publick Good and Safety.

I shall forbear at this time to make any narrow Enquiries into the unhappy Causes of our failing of so good an End; but assure you this, but nothing would have yielded me a greater Satisfaction, than to have seen the business of the Publick successfully carried on; The Declarations of Fidelity, *&c.* the same as last Year; only at the End was added the following Words, *viz. And we, and every one of us, do promise Fidelity to the Proprietary and Governor.*
and that as I have been, so I shall always be, ready to agree to any reasonable Bills the People can desire, that are consistent with my Honour and Trust.

That Time has been mispent, even when there seemed a more than ordinary Necessity of making the best Use and Advantage of it, is very evident to the People of this Province in general; who, I doubt not, have made Choice of such, as will, by a more earnest and hearty Application for the future, to the Business that will necessarily fall under their Care and Consideration, unanimously endeavour to retrieve, as much as possible, the Honour and Credit of the Province, and consider the Happiness they enjoy of an Opportunity still afforded them to make themselves as easy and secure as good and wholesome Laws can do.

I hope you are now met with a full Resolution to make use of this Opportunity, by taking the most effectual Measures to provide for the Honour and Safety of the Province,

and shew yourselves Subjects truly deserving the Favours of our most gracious and glorious Sovereign, her present Majesty; and pay grateful Acknowledgments to the Proprietary, for his continual Care over you; and consider your own Happiness, not only for the present, but for the future, as far as you are capable.

I conceive the best Method for this to be, to take Care that the Dignity of Government, in all its Branches, be supported proportionably as in the Kingdom of *England*, under her Majesty's more immediate View, as we have the Happiness to be Part of her Majesty's Dominions, that we may be made as useful as can possibly be, consistent with the Circumstances of the Place, to that Kingdom; that Justice be duly administred; and that all her Majesty's Subjects be made easy and happy under her auspicious Reign.

That at the same time you must remember the Proprietary is invested with all the Powers of Government, and that through him they pass from the Crown; therefore, an high Regard must be had to his Honour and just Interest; by this Means you may long enjoy the present Administration, and by your prudent Measures, and regular Settlement, reflect an Honour on her Majesty's Government.

It is a Thing now so generally understood, that it is needless to tell you, that Government being for the Sake of the People, it is the People's Business, as far as in them lies, to support it. What has been already said on that Head, will be sufficient to lead you to the Consideration of what may be found in Justice due; but this Particular I think myself obliged to remark to you, that as Government must be kept up in a constant Administration, so the necessary Supplies for the Support of it must be as constant and fix's, a Rule always observed in all well establish'd Governments throughout the World, where there is always a settled Revenue, proportionable to the known common and continual Charges.

It has long been the Concern of many to know what is become of the Laws already passed here; and I am now able to tell you, that at length the Queen's Attorney-General has made his Report of them to the Lords of Trade and Plantations; in which, he has objected against above Thirty of them, and rendered his Reasons for his Objections: This Report I shall lay before you, being sent over by the Proprietary, that before her Majesty sends her Repeal, you may have an Opportunity of enacting such of them again, as may

be clear'd of those Objections, which will require your immediate Care and Consideration.

You will soon preceive, Gentlemen, from what hath been mentioned, that the Business before you is of the greatest Importance.

You have the Government to provide for, these Laws to re-enact, and divers others to be added.

A due Provision for the Security of the Place, as far as may be, in these dangerous Times of War, especially with regard to the *Indians*, who are to be secured in our Interest.

The Regulation of Courts of Judicature, and Encouragement to their Judges or Justices.

The Encouragement of Trade, and Returns from *England*, upon a late Act of Parliament in Favour of the Plantations.

The full Settlement of the Proprietary's, and your own just Rights and Interests.

The Reforming divers Abuses among Sailors and others, that have crept in since the last Laws have been passed.

The Suppression of Vice will require your earnest Care; every one of which, are Matters of general Concern: Upon all which, it may be needless to recommend to you Unanimity and Dispatch, the only Means to bring all happily to Effect.

And in the mean time direct you to apply heartily, and with a sincere Zeal for the common Good, to what is already laid before you."

A Message from the Governor, by *Thomas Story*, and *William Trent* (two of the Council) to inform the House, that the Assembly now sitting at *Newcastle*, will cause his Absence for some short Time; but that if this House has any Thing to lay before him before he goes, he will be willing to consider it.

Ordered, That *Caleb Pusey*, and *Tobias Dymock*, do wait upon the Governor, and desire him to send the Queen's Attorney's Report to the Lords of Trade, concerning the Laws of this Province.

The said Members returned, and brought the said Report to the House, which was read.

Maurice Lisle, being appointed Clerk of this Assembly, was engaged to Secrecy; and thereupon it was agreed, N. C. D. That he shall have *Six Shillings per* Day for his Attendance in Assembly; and that he shall have the Benefit of all Copies and Transcripts made out of the Journals of the House; as also, be paid for all Business done for this Assembly between each Sitting or Adjournment; and then the House

Adjourned till Two a Clock this Afternoon.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Resolved, That this House will To-morrow Morning go upon the inspecting the Laws excepted against by the Queen's Attorney.

The Governor's Speech was read again; and ordered, that *David Lloyd*, *Isaac Norris*, *Samuel Carpenter*, and *Caleb Pusey*, be a Committee to draw up and Address in answer thereto, and bring the same to the House To-morrow Morning.

The Rules of the House were read and approved; and further *Ordered*, by the unanimous Consent of the House, that those Members who do not appear within Half an Hour after the Ringing of the Bell, and the Speaker's assuming the Chair, shall pay a *Ten-penny Bit*; but if a Quorum be not present at that Call, then the absent Members shall pay *Two Bits*; and after, a *Bit* for every Hour's Absence, unless they can shew Cause to the Satisfaction of the House for the same;

And then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Queen's Attorney's Report to the Lords of Trade, was transcribed, examined in the House, and signed by the Speaker, as a true Copy.

The Committee appointed to draw up an Address in Answer to the Governor's Speech, brought the same to the House, which was read, and agreed unto by the House, and ordered to be signed by the Speaker, and presented to the Governor, and is as follows, *viz.*

May it please the GOVERNOR,

W E *are hearily affected with the Favours we enjoy under the auspicius Reign of our great and gracious Queen; and we heartily embrace this, as we shall all other Opportunities, of signifying our sincere Acknowledgments for the same.*

And we are very sensible, that the Interest which our Proprietary and Governor hath with our Superiors at Home, may be of extraordinary Service to this Government; the Dignity whereof, we shall, as far as in us lies, contribute to Support (according to the great and good Example thou art pleased to recommend unto us) which, we hope, will render us proper Objects of the Queen's further Favours, and engage us to make suitable Returns to the Proprietary, for his Care and Charge in continuing us under his and thy Administration: We can-

not but return our Thanks for thy Concern for the publick Good of this Province, expressed in thy Speech to us.

And we incline (by thy Example) to forbear a strict Scrutiny into past Actions, but rather choose to proceed directly, and with Application, to the Business now before us; in which we hope, and have no Reason to distrust Unanimity and Dispatch.

Thy Speech, and every Part thereof, shall have its due Consideration and Weight with us and we shall make it the Guide and Direction to our Progress and Method of Business.

Signed by Order of the House, *per*

JOSEPH GROWDON, Speaker.

Ordered, That *Edward Shippen*, and *Richard Hill*, do present the said Address to the Governor; and, at the same time, that they deliver the Attorney's-General's Report to him.

Who returned, and acquainted the House, that they performed the said Message according to Order.

Then the House (according to the Resolve of Yesterday) went upon the inspecting the Laws excepted against by the Queen's Attorney, and, after some Progress made therein, the House

Adjourned till Two a Clock this Afternoon.

Post Meridiem.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Then the House proceeded in the inspecting the Laws excepted against by the Queen's Attorney, and after some further Progress made therein, the House

Adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared; but *Samuel Carpenter*, and *Joseph Coebourn*, appeared not.

Then the House proceeded to the inspecting the Laws excepted against by the Queen's Attorney, and, after some further Progress made therein, the House

Adjourned till Three a Clock this Afternoon.

Post Meridiem.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Samuel Carpenter came and excused his Absence this Morning, which was allowed of by the House.

And then the House proceeded in the inspection of the Laws excepted against by the Queen's Attorney, and, after some considerable Progress made therein,——*Nicholas Fairlamb* had Leave to be absent this Afternoon, being sick; and then the House

Adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Then the House proceeded in the inspecting the Laws excepted against by the Queen's Attorney, and, after some considerable Progress made therein, the House

Adjourned till Two a Clock this Afternoon.

Post Meridiem.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Then the House proceeded in the inspection of the Laws excepted by the Queen's Attorney, and having finished the same, the several Alterations agreed upon in the House were taken in Writing.

Resolved, That the said Laws be altered according to the said Alterations.

Caleb Pusey has Leave to be absent To-morrow on extraordinary Occasions.

The Governor's Speech of the sixteenth Current, was read again.

The Resolves of the last Assembly about raising the Supply, were read; and then the House

Adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Speaker moved the House, that a Committee be appointed for the Alteration of the Laws excepted against by the Queen's Attorney, according to the Resolve of this House.

Resolved, That a Committee be appointed accordingly.

The Bill for regulating Courts of Judicature, was read, and ordered to be read again on the Twenty-second Instant, at Two a Clock, P. M.

And then the House adjourned till the Twenty-second Instant, at Two a Clock in the Afternoon.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Bill for regulating Courts of Judicature (according to the Order of the twentieth Current) was read again; and, after some Progress made in the Debate thereof, ordered that the same be further debated To-morrow morning; and that

the Law for Regulation of Courts now in Force, be read at the same time; and then the House

Adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Law for Regulation of Courts now in Force (according to the Order of Yesterday) was read.

Ordered, That *Robert Pile*, and *William Paxton*, do wait upon the Governor, and desire him to inform this House, if there be any Answer or Return to the Address of the Twenty-sixth of *May* last, made by the last Assembly to the Queen, about the Affirmation, and the Queen's Order.

Who returned, and acquainted the House, that they delivered their Message to the Governor according to Order; and that he was pleased to answer, that the Proprietary had advised, that the said Address was attended with such Circumstances, that he thought it not convenient to present it to the Queen; and the said Members also informed the House, that the Governor was sitting in Council, and said, he was ready to receive any Thing this House have to lay before him.

Thomas Story, and *Joseph Pidgeon* (two of the Council) in a Message from the Governor acquaints the House, "That his last Journey was by the Illness of the Weather impeded, so that he arrived not there till some Time beyond what he proposed; by Reason whereof, the Affairs of the Government in the Lower Counties, will require his Attendance by the latter End of this Week; but that he intends to sit in Council this Afternoon at Three a Clock, and so at Times till the Twenty-fifth Instant; during which Time, he will be ready and willing to consider of any Bills this House shall lay before him."

The Law about Regulation of Courts now in Force being debated, in order to Amendment;

That the said Law as now in Force, shall so continue, with necessary Alterations, in order to remedy Deficiencies? *It passed in the Affirmative*, N. C. D.

John Cook had Leave to be absent this Afternoon; and then the House

Adjourned till Three a Clock this Afternoon.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Ordered, That the Bill of Courts be referred to further Consideration.

Ordered, That according to the Resolve of the twentieth Instant, *David Lloyd, Caleb Pusey, Isaac Norris, Samuel Car-*

penter, *Richard Hill* and *John Swift*, be a Committee to revise and amend the Laws excepted against by the Queen's Attorney, according to the several Alterations agreed upon in the House; and to make Report of their Progress therein to the House, on the Twenty-fifth Instant, at Four A Clock, P. M.

Ordered, That any One employed by the said Committee, in assisting them in the Business to them referred, shall have reasonable Satisfaction allowed him for his Service therein;

And then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Ordered, That a Bill be brought in for the Seamen not to be trusted, thereby to hinder their being stopp'd from their Voyage by their Creditors, and that *Edward Shippen* do prepare and bring in the same.

A Motion being made, and the Question being put, that the Law about killing of Wolves be renewed, with this Alteration, that *Twenty-five Shillings per* Head be allowed for all Wolves, Dog or Bitch, that shall be killed by any Persons that shall make it their Business? *It passed in the Affirmative.*

Ordered, That a Clause be added, that such Persons as make it their Business, shall enter into Recognizance in the respective County Courts, or before two of the Justices of the Peace of the same County, with sufficient Security to apply themselves wholly to the Execution thereof, at least three Days in the Week for all the Time agreed upon in the said Recognizance; and that *Isaac Taylor* do prepare and bring in a Bill accordingly.

The House being moved, that a Bill be brought in to prevent the Mischief happening to the Inhabitants of this Province by unruly Horses; and that a Pound be kept in every Town-ship; and that each Man's Number of Horses be proportioned to his Quantity of Land; the said Motion was referred to further Consideration; and then the House

Adjourned till Three a Clock this Afternoon.

Post Meridiem.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

A Motion being made, that a Bill be brought in to regulate the Practices of Rangers, the Question was put, that Leave be given to bring in a Bill accordingly? *It passed in the Affirmative.*

The Question was put, that a Pound be kept in each Township, if the major Part of the Inhabitants shall think fit? *It passed in the Affirmative.*

The Question was put, that no single or unmarried Persons, not being seated on Fifty Acres of Land or more, in this Province, shall have Liberty to keep above two Horses at large, upon Penalty of having them impounded, and to pay Damages as Trespassers, if taken up upon other Mens Lands? *It passed in the Affirmative.*

Ordered, That Committees be appointed to draw up the Bills about Horses and Pounds To-morrow Morning.

William Carter had Leave to be absent till Eleven a Clock To-morrow Morning;

And then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

A Motion being made, and the Question put, that a Bill be brought in to restrain Hogs from running at large within twelve Miles back from any navigable Part of the River *Delawars? It passed in the Affirmative.*

Ordered, That a Bill be brought in accordingly.

A Motion being made, that a Bill be brought in to encourage the raising of Hemp, the further Consideration thereof is deferred till Advice can be had from the Merchants and Ropemakers about the Price; and then the House

Adjourned till Three a Clock this Afternoon.

Post Meridiem.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

A Motion being made, that a Bill be brought in to prohibit Indians to be brought into this Province to be sold as Slaves;

Resolved, N. C. D. That a Bill be brought in to prohibit the bringing in of *Indians* for Slaves; and in case any Person shall, after the first of *March* next, bring any *Indians* into this Province, they shall be set at Liberty, and shall be declared free from Slavery or Servitude.

Ordered, That *John Bennet* do go to the Committee appointed to amend the Laws excepted against by the Queen's Attorney, to know if they have any Thing to report to this House, or else that they will adjourn immediately? Who returned, and acquainted the House, that they will repair to the House immediately.

The Committee appointed to revise and amend the Laws excepted against by the Queen's Attorney, came to the House; and *David Lloyd* reported, from the said Committee, that they had made but small Progress in the Matter to them referred; and that they directed him to move for further Time to proceed therein; and that a Message may be sent to the Governor or Secretary, to know if there be any Directions from *England* about the Manner of enacting our Laws?

Ordered, That the said Committee make their Report on the Twenty-seventh Instant, at Nine a Clock, A. M.

Ordered, That *Edward Shippen*, and *Isaac Taylor*, do repair to the Secretary with the said Message.

The Motion about the Encouragement of the raising of Hemp, was further considered, and referred to further Consideration; and then the House

Adjourned till Eight a Clock To-morrow Morning.

The Speaker being indisposed, the House did not meet according to Adjournment, but met at the Speaker's House at Two a Clock, P. M. where the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Edward Shippen, and *Isaac Taylor*, reported, that they had been with the Secretary, and that he being about to go from the Home, had no Time to overlook his Letters from the Proprietary; but that he had informed that the Attorney had objected against the Queen's Stile not being used in the Laws; and that the Proprietary had advised, that all the Laws may be enacted single, and the Queen's Stile used for the future.

The Motion about Hemp was again moved, and referred to further Consideration.

Ordered, That *Richard Webb*, and *Jeremiah Langhorne*, do acquaint *David Lloyd*, that this House doth desire that he send the Bills and other Papers remaining in his Custody belonging to this Assembly to the House; and then the House

Adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chairs, the Members were called over, and a Quorum appeared.

A Petition from several of the Inhabitants of the City and County of *Philadelphia*, complaining against Hogs running at large, and desiring that a Law may be made to restrain them, was read.

The Committee appointed to amend the Laws excepted against by the Queen's Attorney came to the House, and *David Lloyd* reported from the said Committee, that they had made some further Progress in the Matter to them referred;

and that they had directed him to move for further Time to proceed therein.

Ordered, That the Governor's Speech, and the Address, together with the Resolves of the House, about the Laws relating to *Indians*, Horses, and Hogs, be made publick, being first perused by the Speaker; and then the House

Adjourned till the thirtieth Instant, at Five a Clock, P. M.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Ordered, That the Publishing the Governor's Speech, Address, and Minutes, be deferred till the Resolves of the Committee be brought in.

Ordered, That the Bill of Property prepared by the last Assembly be read, and the same was read; and then the House

Adjourned till To-morrow, at Two a Clock in the Afternoon.

October 31. *Post Meridiem.*

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Committee appointed to amend the Laws excepted against by the Queen's Attorney, came to the House, and Caleb Pusey reported from the said Committee, that they had made further Progress in the Matter to them referred; and that they directed him to move the House for further Time to proceed therein.

Resolved, That a Tax shall be raised at *Two-pence Half-penny per Pound*, and *Ten Shillings per* Head, for Support of Government, and defraying the necessary Charges thereof.

Resolved, That an Impost be laid upon certain Liquors, and other Goods, towards Support of Government, and defraying the continguent Charges thereof.

Ordered, That the Committee do repair to the House To-morrow Morning, in order to debate certain Matters of great Moment; and then the House

Adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Resolves of the last Assembly about raising the Tax of *Twelve Hundred Pounds*, were read and debated, in order to the better Regulation of the Method of raising the Tax.

Resolved, N. C. D. That an Impost of *Four Pounds per* Pipe, be laid on all Wines imported not immediately from the Place of Growth, in any Vessels whatsoever; and if

exported within the Exporter to draw back one Half of the said Duty.

Resolved, N. C. D. That an Impost of *Forty Shillings per* Pipe, be laid upon all Wines imported immediately from the Place of Growth in any Vessels, one Half of whose Owners are not Inhabitants of this Province; and that if exported within the Exporter to draw back one Half of the said Duty.

The Question was put, that an Assize of *Fifty Shillings per* Pipe, be paid for all Wines sold by Retail? *It passed in the Affirmative.*

The Question was put, that an Impost of *Nine-pence per* Gallon, be laid upon all Rum imported, and not immediately from the Place of Growth, in any Vessels whatsoever; and if exported within the Exporter to draw back one Half of the said Duty? *It passed in the Affirmative.*

The Question was put, that an Impost of *Five Shillings per* Barrel, be laid upon all Cyder imported or brought into this Province the Province of *West New-Jersey* excepted; and if exported within the Exporter to draw back one Half of the said Duty? *It passed in the Affirmative.*

Resolved, That no less than one Gallon of Rum, Brandy, or other Spirits, shall be sold by Retail by any Persons, except Keepers of Publick-houses, licensed for so doing.

Resolved, That an Excise of *Six-pence per* Gallon, be paid by the Retailers of Rum, Brandy, Wine, or other Spirits, for every Gallon under Five so retailed; and that no Person be admitted to retail any Spirits but such as shall have Licenses for the same; and then the House

Adjourned till Two a Clock this Afternoon.

Post Meridiem.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Resolved, That a Duty of *Forty Shillings per* Head, be laid upon all Horses, Mares Gelding, or Colts, that shall be imported or brought into this Province.

A Motion was made, that a Duty of *Ten Shillings per* Head, be laid upon all Neat Cattle imported and brought into this Province, excepting from the Territories belonging to this Province.

The Question being put, that the said Duty shall be laid accordingly? *It passed in the Negative.*

Resolved, That a Duty of *Two-pence per* Pound, be laid upon all Butter and Cheese imported into this Province, from

any Place, *West New-Jersey*, and the Territories annexed to this Province, only excepted.

Resolved by Majority of Votes, That *Forty Shillings per* Head, be paid as a Duty for all *Negroes* imported or brought into this Province; and if the said *Negroes* be transported within one Year, the Exporter shall draw back *Twenty Shillings* of the said Duty.

Ordered, That a Bill be brought in for raising the Tax and Impost, according to the several Resolves of this House; and that *Richard Hill*, and *Caleb Pusey*, do prepare and bring in the same; and then the House.

Adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Ordered, That the Committee appointed to amend the Laws excepted against by the Queen's Attorney, do sit again upon some Business; and that the said Committee do send in such Bills as they have prepared, in order to be read and debated in the House.

Ordered, That *Nicholas Fairlamb* do fetch the said Bill from the Committee.

Who returned, and acquainted the House, that the Committee will send the Bills in the Afternoon.

Rowland Ellis had Leave to be absent To-morrow; and then the House

Adjourned till two a Clock this Afternoon.

Post Meridiem.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Speaker brought to the House several Bills, which were delivered him by the Committee.

The Bill concerning Liberty of Conscience, was read the first Time, and ordered to be read again.

The Bill against riotous Sports, Plays and Games, was read the first Time and ordered a second Reading.

The Bill against Adultery and Fornication, was read the first Time, and ordered a second Reading; and then the House

Adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Bill against Incest and Buggery, was read the first Time, and ordered a second Reading.

The Bill against Bigamy, was read the first Time, and ordered a second Reading.

The Bill against Burgary, was read the first Time, and ordered a second Reading.

The Bill against burning of Houses, was read the first Time, and ordered a second Reading.

The Bill against Rape or Ravishment, was read the first Time, and ordered a second Reading.

The Bill limiting the Presentments of the Grand Jury, was read the first Time, and ordered a second Reading.

The Bill against Murder, Manslaughter, and Chance-medley, was read the first Time, and ordered a second Reading.

The Bill for County Seals, and against counterfeiting Hands and Seals, was read the first Time, and ordered a second Reading.

The Bill for determining Debts under *Forty Shillings*, was read the first Time, and ordered a second Reading.

The Bill to oblige Witnesses to give Evidence, and to prevent false Evidence, was read the first Time, and ordered a second Reading.

The Bill to prevent immoderate Amercements, was read the first Time, and ordered a second Reading; and then the House

Adjourned till the fifth Instant, at Two a Clock in the Afternoon.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Bill concerning Liberty of Conscience, was read a second Time, and committed.

The Bill against Riots and Rioters, was read a second Time, and committed.

The Bill against riotous Sports, *&c.* was read a second Time, and Committed;

And then the House adjourned till Eight a Clock Tomorrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Bill against Adultery and Fornication, was read the second Time, and committed.

The Bill against Rape or Ravishment, was read the second Time, and committed.

The Bill against Incest, Sodomy and Buggery, was read the second Time, and committed; and then the House

Adjourned till Two a Clock this Afternoon.

Post Meridiem.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Joseph Coebourn, a Member of this House, having been absent since the first Meeting of this Assembly, and having excused his Absence to the Satisfaction of the House, took and subscribed the Qualifications taken by the other Members, and took his Seat.

The Bill against Bigamy, was read a second Time, and committed.

The Bill against Burglary, was read a second Time and committed.

The Bill against burning of Houses, was read a second Time, and committed.

The Bill limiting the Presentments of the Grand Jury, was read a second Time, and committed.

The Bill against Murder, Manslaughter and Chance-medley, was read a second Time, and committed.

The Bill for County Seals, *&c.* was read the second Time, and committed.

The Bill for determining Debts under *Forty Shillings*, was read a second Time, and committed.

The Bill to oblige Witnesses to give in Evidence, and to prevent false Evidence, was read a second Time, and committed.

The Bill to prevent immoderate Amercements, was read a second Time, and committed.

The Bill about Defalcations, was read the first Time, and ordered a second Reading.

The Bill to confirm Devises of Lands, and Validity of nuncupative Wills, was read the first Time, and ordered a second Reading.

The Bill impowering Widows and Administrators to sell Lands to pay Debts, was read the first Time, and ordered a second Reading.

The Bill concerning Liberty of Conscience, was read the third Time, and *passed in the Affirmative.*

The Bill against Riots and Rioters, was read the third Time, and *passed in the Affirmative.*

The Bill against riotous Sports, Plays and Games, was read the third Time, and *passed in the Affirmative.*

Ordered, That the three last mentioned Bills, thrice read, and agreed to in the House, be transcribed, and sent to the Governor for his Concurrence; and then the House

Adjourned till Nine a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Bill about Defalcation, was read a second Time, and committed.

The Bill about nuncupative Wills, was read a second Time, and committed.

The Bill impowering Widows to sell Lands to pay Debts, was read a second Time, and committed.

The Bill against Robbing and Stealing, was read the first Time, and ordered a second Reading; and then the House

Adjourned till Three a Clock this Afternoon.

Post Meridiem.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Bill for Bailing of Prisoners, and about Imprisonment, was read the first Time, and ordered a second Reading.

A Bill for the Trial of *Negroes*, was read the first Time, and *passed in the Affirmative.*

And then the House adjourned till Nine a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Bill about Departers out of the Province, was read the first Time, and ordered a second Reading.

A Bill against mixing and adulterating strong Liquors, was read the first Time, and ordered a second Reading.

A Bill against Drunkenness, and Healths-drinking, was read the first Time, and ordered a second Reading.

The Bill against Robbing and Stealing, was read the second Time, and committed.

The Bill about Bailing of Prisoners, and about Imprisonment, was read the second Time, and committed.

The Bill for the Trial of *Negroes*, was read the second Time, and committed.

A Petition of several of the Inhabitants of the County of *Philadelphia*, desiring that the Assessors for the County may act distinct from the Assessors of the Corporation; and than they have distinct Treasurers, and to apply their Stocks to their own particular Uses, was read.

Ordered, That Provision be made in the Bills for killing of Wolves, and raising Money to answer the said Petition.

A Petition of *Thomas Makin*, complaining for Want of his Money due him for Service done to former Assemblies, was read.

Ordered, That the Committee appointed to amend the Laws, *&c.* do repair to the House To-morrow Morning at Eight a

Clock, and that *Nicholas Fairlamb* do acquaint them therewith; and then the House

Adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Ordered, That *Nicholas Fairlamb* do wait upon the Governor, and acquaint him, that this House hath some Bills to lay before him, and desire to know when he will please to be presented therewith?

Who returned, and informed the House, that he delivered his Message to the Governor according to Order; and that he was pleased to answer, that he was busy in writing Letters to go by the Post; but that he will inform the House when he is ready to receive any Business.

The Bill about Departers out of the Province, was read the second Time, and committed.

The Bill against mixing and adulterating Strong Liquors, was read a second Time, and committed.

The Bill against Drunkenness and Health-drinking, was read a second Time, and committed.

The Bill against Adultery and Fornication, was read the third Time, and *passed in the Affirmative.*

The Bill against Rape or Ravishment, was read the third Time, and *passed in the Affirmative.*

The Bill against Incest, Sodomy and Beastiality, was read a third Time, and *passed in the Affirmative.*

The Bill against Bigamy, was read the third Time, and *passed in the Affirmative.*

The Bill against Burglary, was read the third Time, and *passed in the Affirmative.*

The Bill against burning of Houses, was read the third Time, and *passed in the Affirmative*, N. C. D.

The Bill about limiting the Presentments of the Grand Jury, was read a third Time, and *passed in the Affirmative*, N. C. D.

The Bill against Murder and Manslaughter, was read a third Time, and *passed in the Affirmative*, N. C. D.

The Bill against counterfeiting Hands and Seals, was read a third Time, and *pass'd in the Affirmative*, N. C. D.

The Committee appointed to amend the Laws excepted against by the Queen's Attorney, came to the House, and *David Lloyd* reported from the said Committee, that they had prepared several Bills, which he delivered in at the Table; and also, that the Committee had directed him to move the House for further Time to proceed therein; which is granted.

A Bill for the effectual Establishment and Confirmation of

the Freeholders of this Province, their Heirs and Assigns, in their Lands and Tenements, was read the first Time, and ordered a second Reading.

The Bill about seven Years quiet Possession, was read the first Time, and ordered a second Reading.

A Bill for acknowledgement and recording of Deeds, was read the first Time, and ordered a second Reading; and then the House

Adjourned till three a Clock this Afternoon.

Post Meridiem.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Caleb Pusey (a Member of this House) informed the House, that the Secretary had told him, he was ordered by the Governor to acquaint the House, that the Governor designs to sit in Council this Afternoon, in order to receive what Bills the House shall have to lay before him.

The Bills for Liberty of Conscience; against Riots and Rioters; and against riotous Sports, Plays and Games, being transcribed, *Ordered*, that *Jeremiah Langhorne*, and *Isaac Taylor*, do present the said three Bills to the Governor for his Concurrence.

A Bill to make good and valid Sales by Letters of Attorney, was read the first Time, and ordered a second Reading.

The Members sent with the three Bills to the Governor, returned and acquainted the House, that they delivered the same to the Governor according to Order.

A Bill about the Manner of giving Evidence, and against such as lie in Conversation, was read the first Time, and ordered a second Reading.

A Bill for taking Lands in Execution for Payment of Debts, was read the first Time, and ordered a second Reading.

The Bill about determining Debts under *Forty Shillings*, was read the third Time, and *pass'd in the Affirmative*, N. C. D. And then the House

Adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Bills against Murder and Manslaughter; for County Seals, *&c.* against Bigamy; against burning of Houses; for determining Debts under *Forty Shillings;* against Burglary; for limiting the Presentments of the Grand Jury; and against Rape or Ravishment; being transcribed, after thrice read, and agreed to by the House;

Ordered, That *William Carter*, and *Nathaniel Newlin*, *do* present the said Bills to the Governor for his Concurrence.

Who returned, and acquainted the House, that they delivered the said Bills to the Governor according to Order.

The Bill to prevent immoderate Amercements, was read the third Time, and *pass'd in the Negative*, N. C. D.

The Bill to oblige Witnesses to give in Evidence, and to prevent false Evidence, was read the third Time.

The Bill about the Manner of giving Evidence, and against such as lie in Conversation, was read the second Time, and debated.

Ordered, That the said two last mentioned Bills be re-committed to the Committee appointed to amend the Laws, to be drawn up in one Bill.

The Bill for confirming Devises of Lands, and Validity of nuncupative Wills, was read a third Time, and re-committed.

The Bill impowering Widows and Administrators to sell Lands to pay Debts, *&c.* was read a third Time, and re-committed.

The Bill against Robbing and Stealing, was read a third Time, and *pass'd in the Affirmative*, N. C. D.

The Bill about Bailing of Prisoners, *&c.* was read a third Time, and, after some Amendments, it *passed in the Affirmative.*

The Bill about Departers out of the Province, was read a third Time, and *passed in the Affirmative.*

The Bill against mixing and adultering strong Liquors and Spirits, was read the third Time, and *passed in the Affirmative.*

The Bill against Drunkenness and Healths-drinking, was read the third Time, and *passed in the Affirmative;* and then the House

Adjourned till the twelfth Instant, at Three a Clock in the Afternoon.

November, 12. *Post Meridiem.*

The House met and adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Bill for acknowledging and recording of Deeds, was read the second Time, and debated by Paragraphs.

James Logan, one of the Council, in a Message from the Governor acquainted the House, that the Governor is now sitting in Council, and ready to receive any Business this House has to lay before him.

Ordered, That the Bill for acknowledging and recording of Deeds, be re-committed for a Clause to be added thereto, to oblige Mortgages to be recorded, or else to be void.

And then the House adjourned till Two a Clock this Afternoon.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Bills about Departers out of the Province; against mixing and adulterating strong Liquors; against Drunkenness and Healths-drinking; for bailing Prisoners, *&c.* against Incest, Sodomy and Buggery; against Adultery; for Trial of Negroes; and against Robbing and Stealing; being transcribed, after thrice Reading,

Ordered, That *Isaac Taylor*, and *Nicholas Fairlamb*, do present the said Bills to the Governor for his Concurrence.

Who returned, and acquainted the House, that they delivered the same to the Governor according to Order.

The Bill for taking Lands in Execution for Debts, was read the second Time, and debated by Paragraphs, and committed.

John Guest, and *Joseph Pidgeon* (two of the Council) in a Message from the Governor, presented to the House several Bills sent to the Governor from this House, together with his Proposals of Amendments to some of them.

The Bill for Confirmation of Property, was read the second Time, and committed.

The Bill against Murder and Manslaughter, with the Governor's Proposals of Amendment thereto, was read, and referred to further Consideration.

The Bill for County Seals, and against counterfeiting Hands and Seals, with the Governor's Proposals of Amendment thereto, was read;

Ordered, That the same be amended according to the said Proposal; and then the House

Adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

A Bill for the better Relief of the Poor, was presented to the House, and read the first Time and ordered a second Reading.

Ordered, That a Bill be brought in for the Keeping the First Day of the Week as a Sabbath, according to the Governor's Proposals of Amendment to the Bill for Liberty of Conscience; and that do prepare and bring in the same.

Ordered, That the Bill against riotous Sport, Plays and

Games (being proposed by the Governor to be amended) be remitted back to the Governor, and that he be humbly requested to pass the same as it is, for that this House can see no reasonable Cause to alter the same.

Ordered, That a Bill be brought in for the Building a Prison and Work-house in *Philadelphia*, according to the Governor's proposals of Amendment to the Bill against Rape or Ravishment; and that do prepare and bring in the same.

The Bill against Bigamy, with the Governor's Proposals of Amendment thereto, was read, and amended accordingly.

The Bill against Murder and Manslaughter, with the Governor's Proposals of Amendment, was further considered; and agreed that the same be altered, viz.

The Clause about Manslaughter thus: The Offender shall suffer one Year's Imprisonment at hard Labour, and be burnt in the Hand, or forfeit and pay *One Hundred Pounds*, at the Discretion of the Court where the Offender is convicted, one Half to the Governor for the Support of Government, and the other Half to the Relict, or nearest of Kin to the Party deceased.

The Clause about Chance-medley thus, *viz.* The Offender shall suffer one Year's Imprisonment at hard Labour, or forfeit and pay the Sum of *Twenty Pounds* to the Government, at the Discretion of the Court where the Party is convicted.

Ordered, That *Isaac Taylor*, and *Rowland Ellis*, do carry the Bills against riotous Sports, *&c.* and against Murder and Manslaughter, to the Governor, and acquaint him, that the House cannot agree to his Amendments to those two Bills; but that the House, have made some Alterations to them, and desire his Concurrence thereto; and then the House

Adjourned till Two a Clock this Afternoon.

Post Meridiem.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Members sent to the Governor in the Forenoon with the two Bills, and their Alterations, reported, that they delivered the same to the Governor according to Order; and that the Governor desires the House to be as expeditious as possible, in the Dispatch of what Business lies before them.

A Motion was made, upon a Petition presented to a former Assembly from several of the Inhabitants of *Bucks* County, that Leave be given to bring in a Bill for selling the old

Court-house, and building a new One at Bristol, in the said County.

Ordered, That Leave be given to bring in a Bill accordingly; and that *Tobias Dymock* and *Jeremiah Langhorne* do prepare and bring in the same.

A Motion was made that Leave be given to bring in a Bill to enable the Justices and Grand Jury of the County of *Chester* to Confirm the sale of their old Court House formerly sold by virtue of an Act of Assembly

Ordered that leave be given to bring in a Bill accordingly and that *Robert Pile* and *Isaac Taylor* do prepare and bring in the same.

The Bill about seven Years quiet Possession, was read the second Time, and committed;

And then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Bill for the Relief of the Poor, was read a second Time, and committed.

The Bill for making Debtors pay by Servitude, was read the second Time, and committed.

The Bill about seven Years quiet Possession, was read the third Time, and *passed in the Affirmative.*

Isaac Taylor (according to Order) presented to the House a Bill for killing of Wolves, and the same was read the first Time, and ordered a second Reading.

Ordered, That *Isaac Taylor* do go to the Committee, to know if they have any more Bills ready to lay before the House;

Who returned, and brought the House two Bills from the said Committee;

And then the House adjourned till Two a Clock in the Afternoon.

Post Meridiem.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Bill for taking Lands in Execution for the Payment of Debts, with the Amendments was read the third Time, and *passed in the Affirmative*, N. C. D.

The Bills about the Manner of giving Evidence, and to oblige Witnesses to give Evidence, being (according to Order) drawn up in one Bill, and presented to the House by the Committee, the same was read and debated by Paragraphs, and, after some Amendments, it *passed in the Affirmative.*

Ordered, That the same be transcribed, and sent to the Governor.

A Bill against trusting Mariners, was read the first Time, and ordered a second Reading.

Joseph Coebourn has Leave to be absent till the nineteenth Instant, at three a Clock in the Afternoon; and then the House

Adjourned till Eight a Clock To-morrow Morning precisely.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

A Bill for the Relief of the Poor, was read the third Time, and debated, and, after some Amendment, *passed in the Affirmative*, N. C. D.

The Bill about Arrests and making Debtors pay by Servitude, was read the third Time, and *passed in the Affirmative.*

The Bill for taking Lands in Execution for the Payment of Debts, was read the third Time, and debated by Paragraphs; and, after some Amendments, it *passed in the Affirmative.*

The Bill for killing of Wolves, was read the second Time, and committed.

The Bill against trusting Mariners, was read the second time and committed.

Ordered, That *Samuel Cart* do go to the Committee, to know if they have any more Bills ready to lay before the House.

Who returned, and acquainted the House, that they had no Bills; but that they say, they think the Business to them referred, will be fully finished by the nineteenth Instant, at which Time they will make their Report to the House touching the same Business.

Ordered, That the Charter of Privileges be read, and the same was read accordingly.

Ordered, That the Bill for Confirmation of the said Charter be read; and the same was read accordingly.

And a Motion being made, that the said Bill be read again, in order to be passed into a Law.

Resolved, That the same be laid aside, and nothing done in it at present;

And then the House adjourned till Two a Clock this Afternoon precisely.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared; and then the House

Adjourned till the nineteenth Instant, at Two a Clock, P. M.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Committee appointed to amend the Laws excepted against by the Queen's Attorney, came to the House; and *David Lloyd* reported from the said Committee, that (by reason some Difficulties that have arisen upon the Amendment of some of the Bills) they had not finished the same; and therefore the Committee directed him to move the House for further Time to proceed within.

The Speaker presented to the House a Bill for restraining Hogs from running at large, and the same was read the first Time, and ordered a second Reading; and then the House

Adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Richard Hill, from the Committee appointed to amend the Laws excepted against by the Queen's Attorney, presented to the House the following Bills, *viz.*

A Bill concerning the Probate of written and nuncupative Wills;

A Bill for restraining People from Labour on the First Day of the Week; an Act confirming Patent and Grants, for the Prevention of Law-suits; an Act for the better Confirmation of the Inhabitants of this Province in their Rights and Possessions; and an Act for confirming Sales by Letters of Attorney.

James Logan, one of the Council, in a Message from the Governor acquaints the House, that the Governor desires the House to send him what Bills they have ready for his Perusal, in order to pass into Laws.

And the Bills for Relief of the Poor; about seven Years quiet Possession; about Arrests, and making Debtors pay by Servitude; and for taking Lands in Execution for the Payment of Debts; being transcribed, the said *James Logan* was desired by the House to present the said Bills to the Governor for his Concurrence; which he promised to do accordingly.

The Bill against trusting Mariners, was read the third Time, and *pass'd in the Affirmative*, N. C. D.

The Bill for killing of Wolves, was read the third Time, and *pass'd in the Affirmative*, N. C. D.

The Bill for restraining Hogs from running at large, was read the second Time, and committed.

The Bill concerning the Probate of written and nuncupative Wills, was read the first Time, and ordered a second Reading.

The Bill for restraining People from Labour on the First

Day of the Week, was read the first Time, and ordered a second Reading; and then the House

Adjourned till Two a Clock this Afternoon.

Post Meridiem.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Bill for confirming Patents and Grants, *&c.* was read the first Time;—and the Question being put, that the said Bill be read again? *pass'd in the Negative.*

And then the House adjourned till Nine a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

James Logan (one of the Council) in a Message from the Governor brought to the House thirteen Bills, presented to the Governor by this House for his Concurrence, together with the Governor's Proposals of Amendment to some of them; which Amendments he read, and after delivered the same to the Speaker.

And further, the said Members of Council informed the House, that a Bill will be presented to this House from the Council-board, to prohibit the bringing in of *Indians* for Slaves, and desired to know if the House have had the said Matter under their Consideration; and being informed by the Speaker, that this House have ordered a Bill to be brought in to prevent the same, he desired a Copy thereof; and farther informed the House, that the Governor desires the House to be expeditious in the Dispatch of what Bills they have to lay before him.

Ordered, That a Copy of the said Order about the *Indians*, be delivered to the said *James Logan* at his Chamber.

The Bill for restraining Hogs from running at large, was read the third and debated by Paragraphs; and, after some Amendments, the Bill, with the Amendments, *passed in the Affirmative.*

The Bill for keeping the First Day of the Week, was read the second Time, and committed.

The Bill, concerning the Probate of Wills *&c.* was read the second Time, and committed.

The Bill for the effectual Establishment of the Inhabitants of this Province in their Rights and Properties, was read the second Time, and committed.

The Bill for confirming Sales by Letters of Attorney, was read the second Time, and committed.

The Bill about acknowledging and recording of Deeds, was read the third Time, and debated; and ordered to be further debated To-morrow Morning.

James Logan (one of the Council) came to the House, and desired a Copy of the Minute relating to the Importation of *Indians*, and the same was delivered him;

And then the House adjourned till Nine a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

David Lloyd, from the Committee appointed to amend the Laws excepted against by the Queen's Attorney, presented to the House a Bill for the better Settling of the Estates of Intestates, and the Bill for Defalcation.

The Bill for acknowledging and recording Deeds, was further considered.

Agreed, That the Nomination of a Person for Recorder in each County, shall be in the Representatives of the respective Counties.

Ordered, That the said Bill be re-committed for Amendment accordingly;

And then the House adjourned till Nine a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Bill for better Settling of Intestates Estates, was read the first Time, and ordered a second Reading.

Resolved, That the eldest Son of an Intestate shall have a double Share of his Father's Estate; and that if he be advanced by his Father in his Life-time, so much as he shall so receive, shall be accounted as Part, or All, of his said Share.

The Bill about Defalcation, was read the third Time, and debated by Paragraphs, and *passed in the Affirmative.*

The House took into Consideration how much of the Tax of *Two-pence Half-penny per Pound*, and the Impost, shall be appropriated to the Governor.

The Question was put, that *Eight Hundred Pounds* of the Tax, and one Half of the impost, be appropriated to the Governor? *passed in the affirmative.*

Ordered, That the Committee appointed to prepare and bring in the Supply Bill, do leave out the Impost upon Horses.

The Bill for keeping the First Day of the Week, was read the third Time, and debated by Paragraphs, and ***passed in the Affirmative,*** **N. C. D.**

The Bill concerning the Probate of written and nuncupative Wills, was read the third Time, and debated.

Ordered, That a Clause be added, that a Seal be kept in the Register's Office in every County; and that the Register General shall constitute a Deputy in each County, under the Penalty of *Two Hundred Pounds*, one Half to the Governor *&c.* and the other Half to him or them that will sue for the same.

The Bill for the effectual Establishment and Confirmation of the Inhabitants of this Province, their Heirs and Assigns, in their Lands and Tenements, was read the third Time, and debated, and *passed in the Affirmative*, N. C. D.

The Bill for confirming Sales by Letters of Attorney, was read the third Time, and *pass'd in the Affirmative*, N. C. D.

The Bill for acknowledging and recording of Deeds, was further debated, after Amendment, and *pass'd in the Affirmative;* and then the House

Adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Bill for settling Intestates Estates, was read a second Time, and committed.

The Bill against riotous Sports, with the Governor's Proposals of Amendment thereto, was read;

Agreed and *Ordered*, That the said Bill be altered according to the Governor's Objection.

The Bill against Incest and Sodomy, with the Governor's Proposals of Amendment thereto was read:

Agreed and *Ordered*, That the said Bill be amended according to said Proposal.

The Question was put, that the Governor's Proposals of Amendment to the Bill about Departers out of the Province, concerning the Pass, and that the charge of the Pass shall be *Three Shillings*, and no more, be inserted therein? *It passed in the Negative.*

The Bill for the Trial of *Negroes*, with the Governor's Proposals of Amendment thereto, was read; and

Resolved, N. C. D. That a *Negroe* for Attempt of Rape, or Thievery, above *Five Pounds*, shall be branded with the Letter R, or T, and banished out of this Government, never to return upon Pain of Death; and that the Master or Owner be bound to transport him by the first Opportunity, and the *Negroe* to lie in Prison till Transportation.

The last Part of the Amendment about three or four meeting together on the First Days, agreed to,

Ordered, That the Speaker do amend the three last mentioned Bills, according to the several Amendments agreed upon in the House.

The Petition of *Darby Green*, Black-smith, setting forth his Aggrievance by Reason of Non-payment of Money due to him for Work done to the old Prison, in *Philadelphia*, was presented to the House and read:

Ordered, That the said Petition be considered along with one from *Ralph Jackson* of the like Nature, on the Twenty-sixth Instant.

Ordered, That *Samuel Carpenter*, Treasurer of this Province, and a Member of this House, do pay *Thomas Makin* the Sum of *Twenty Shillings*, in Consideration of the Inconveniency this Assembly hath put him to by using the School-house; and to *Nicholas Rosogans*, Door-keeper to this House, the Sum of *Forty Shillings*, in Part for his Service; and then the House

Adjourned till the Twenty-sixth Instant, at Ten a Clock, A. M.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

David Lloyd presented to the House the Amendment made to the Bill for proving Wills, and the same being read and debated, it *pass'd in the Affirmative.*

The Bills about Witnesses, and to prevent false Evidence; for keeping the First Day of the Week; for the effectual Establishment and Confirmation of the Freeholders of this Province, their Heirs and Assigns, in their Lands and Tenements; and for restraining Swine from running at large; being transcribed, *Ordered*, That *William Carter*, and *Rowland Ellis*, do present the said Bills to the Governor for his Concurrence.

The Petition of *Darby Green* was further considered:

Ordered, That the Justices of the County of *Philadelphia*, be desired to answer the same out of the first Money that shall be raised for the County.

David Lloyd has Leave to be absent To-morrow, on extraordinary Occasions;

And then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

William Carter, and *Rowland Ellis*, acquainted the House, that they delivered the Bills to the Governor last Night, according to Order.

Resolved, N. C. D. That for the more speedy Dispatch of

Business, the Members of this House shall keep strictly to the Rules and Orders of the House, especially with Respect to Adjournments.

The Bill for the better Settling of Intestates Estates, was read the third Time, and, after some Amendment, it *pass'd in the Affirmative.*

The Speaker presented to the House the three Bills ordered by him to be amendment, and the same were read and agreed to; and then the House

Adjourned till Three a Clock this Afternoon precisely.

Post Meridiem.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Governor's Proposal of Amendment to the Bill against Incest was read, and upon the Question, it *pass'd in the Negative.*

William Carter being absent beyond the Adjournment, paid his Fine.

A Bill for regulating Fees, was presented to the House and read, and ordered to be read again To-morrow Morning; and then the House

Adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

These Members following being absent beyond the Time of Adjournment, there not being a Quorum within Half an Hour after the Ringing of the Bell, and the Speakers assuming the Chair, paid their Fines, *viz. Henry Paxton, Rowland Ellis, Reese Thomas, Edward Shippen, Tobias Dymock,* and *Samuel Carpenter,* each *two Bits,* or *Twenty-pence.*

The Bill for regulating Fees, was according to Order read again, and committed.

Griffith Owen, and *James Logan,* two of the Council, in a Message from the Governor brought to the House the Bills about trusting Sailors, and for killing of Wolves, with the Governor's Proposals of Amendment to that of Sailors; and also presented to the House from the Council Board three Bills, the Titles of which are as follows, *viz.*

An Act for the better improving a good Correspondence with the Indians.

An Act for collecting the Arears of Two Thousand Pounds *granted to the Proprietary.*

An Act for the more easy and effectual Collecting of the Proprietary's Quitrents.

Isaac Norris promised to pay his Fine.

Isaac Taylor paid his Fine; and then the House Adjourned till Three a Clock this Afternoon.

Post Meridiem.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Samuel Carpenter paid his Fine for being absent after the Time of the Adjournment.

The Amendment proposed by the Governor to the Bill against trusting Sailors, was read, and put to the Vote, and *pass'd in the Affirmative.*

The Bill for keeping a good Correspondence with the *Indians*, was read the first Time, and ordered to be read again.

The Bill for collecting the Arears of *Two Thousand Pounds* granted to the Proprietary, was read the first Time, and ordered a second Reading.

The Bill for the more easy and effectual Collecting of the Proprietary's Quitrents, was read the first Time, and ordered a second reading.

Richard Hill (according to Order) presented to the House a Bill for raising the Tax and Impost, which was read, and ordered to be read again; and then the House Adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Bill for the more easy and effectual Collecting of the Proprietary's Quitrents, was read again, and committed.

The Bill for raising the Supply (according to Order) was read again, and, after some considerable Debate thereupon, *Ordered*, that the same be further debated this Afternoon; And then the House adjourned till Three a Clock this Afternoon.

Post Meridiem.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The House (according to Order) proceeded in the Debate of the Bill for raising the Supply, and after some Time spent therein, upon the Question, that the said Bill be committed? *It pass'd in the Affirmative.*

John Cook, and *Joshua Hoopes*, paid their Fines, being absent beyond the Adjournment.

A Petition from several Vintners of *Philadelphia*, in Behalf of themselves and others of the same Calling, was presented

to the House, and read, setting forth the Abuses committed against them by the Brewers in their Measure, and praying Leave to bring in a Bill to regulate the same:

Ordered, That Leave be given to bring in a Bill accordingly.

Ordered, That *Isaac Norris* be added to the Committee appointed to draw up and bring in the Bill for raising the Supply, to whom the same is committed for Amendment, and that they may, if they see Cause, call to their Assistance the Attorney General; and that they do bring the said Bill to the House To-morrow, at, three a Clock, P. M.

And then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Bill for the more easy and effectual Collecting of the Proprietary's Quitrents, with the Amendments, was read and debated, and, after a considerable Time spent therein, *Ordered*, that the Clause in the said Bill about Non-residents Lands, be left out, and that a Bill be prepared and brought in for that Purpose.

The Question was put, that the Clause in the said Bill impowering the Landlord to distrain upon the principal Tenant for the whole Rent, and he to distrain upon the other Tenants for their Proportion, do stand as it is? *It passed in the Negative;* and then the House

Adjourned till three a Clock this Afternoon precisely.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Speaker being absent beyond the Adjournment, paid his Fine.

The House proceeded in the Debate of the Bill for the more easy Collecting the Proprietary's Quitrents, and, after some Time spent therein, the same was again committed for further Amendment.

The Bills for confirming Sales by Letters of Attorney; for the Probate of Wills; for acknowledging and recording Deeds; and for Defalcation; being transcribed, *Ordered*, that *Isaac Taylor*, and *Henry Paxton*, do present the said four Bills to the Governor for his Concurrence.

Who returned, and acquainted the House, that they delivered the same to the Governor according to Order.

The Bill for improving a good Correspondence with the *Indians*, was read a second Time, and debated.

Isaac Norris has Leave to be absent To-morrow Morning; and then the House

Adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Joshua Hoopes, *Reese Thomas*, *Tobias Dymock*, *William Carter*, and *Jeremiah Langhorne*, being absent after the second Call, paid their Fines, *Ten-pence* each.

A Motion was made, that Leave be given to bring in a Bill to ascertain how Money due upon Contracts made before the first Day of *January* last past shall be paid; and to settle the Rate or Value of the current Money or Coin of this Province:

Ordered, That Leave be given to bring in a Bill accordingly, and *Edward Shippen*, and *Samuel Carpenter*, do prepare and bring in the same.

A Motion was made, that the Bill for confirming old Grants and Patents, and for preventing of Law-suits, may be read again:

Ordered, That the same be laid aside at present.

The Bill for improving a good Correspondence with the *Indians*, was read the third Time, and debated:

Ordered, That the Clause in the said Bill prohibiting the bringing in *Indians* for Slaves, be drawn up in a Bill by itself, with this Alteration only, that by menial Servants shall be understood such only as have been Servants in the Family of the Importer one Year or more before Importation:

And further, *Ordered*, That the first Part of the said Bill, with the Amendments, be put in a Bill by itself, and to continue but for four Years.

The Bill for collecting the Arears of *Two Thousand Pounds* granted to the Proprietary, was read the second Time; and the Question being put, that a Clause be added to the said Bill, for collecting the Arears of the *Penny per Pound* Tax? *It passed in the Negative;* and then the *Bill passed in the Affirmative.*

Jeremiah Langhorne has Leave to be absent till the fifth Instant, at Two a Clock in the Afternoon.

Isaac Taylor has Leave to be absent till the fourth Instant, at Eight a Clock, A. M.

Reese Thomas has Leave to be absent till the fourth Instant, at Two a Clock, P. M.

And then the House adjourned till the third Instant, at two a Clock in the Afternoon.

Post Meridiem.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Speaker presented to the House a Proposal, in order to the Regulation of Money for Payment of Contracts made before the Queen's Proclamation took Effect, and for settling the Rate or Value of the current Money or Coin of this Province, which was read.

Ordered, That the same be given as an Instruction to the Committee appointed to draw up that Bill.

The Bill for collecting the Arears of *Two Thousand Pounds* granted to the proprietary, was read the third Time, and *passed in the Affirmative*, N. C. D.

A Motion was made, That a Bill be brought to settle the Administration of the Government upon the Death of the Lieutenant Governor.

Ordered, That Leave be given to bring in a Bill accordingly, and that *Richard Hill*, *Isaac Norris*, and *Caleb Pusey*, do prepare and bring in the same.

Ordered, That all Committees do make Report to this House To-morrow, at two a Clock in the Afternoon.

The Governor's Speech was taken into further Consideration.

The House taking into Consideration the many Inconveniencies that happen, and the great Abuses and Disorders that are committed in this City through the Multiplicity of Ordinaries, by reason that the County Justices recommend to the Governor Persons to be licensed to keep Ordinaries in the City.

Resolved, by Majority of Voices, That the Governor be humbly requested to grant that the Mayor and Commonalty of the City of *Philadelphia*, for the Time being, and no others, have Power to recommend and suppress Ordinary-keepers in the said City, and that the Justices of the County Courts, and no others, have the same Power in the Counties.

Resolved, by Majority of Voices, That the Governor shall have and receive for every Licence to keep Ordinary or Tavern in the City of *Philadelphia*, the Sum of *Three Pounds*, and in the Country, the Sum of *Thirty Shillings*, and the Secretary *Six Shillings*, as formerly.

Ordered, That a Clause be added to the Supply Bill, pursuant to the two last mentioned Resolves; and then the House

Adjourned till Nine a Clock To-morrow Morning precisely.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Bills for collecting the arears of *Two Thousand Pounds* granted the Proprietary; for improving a good Correspondence with the *Indians;* for preventing the Importation of *Indian* Slaves; and for the better settling of Intestates Estates; being agreed to by the House,

Ordered, that *Issac Taylor*, and *Henry Paxton*, do present the said four Bills to the Governor for his Concurrence.

Who returned, and acquainted the House, that they delivered the same to the Governor according to Order; and that the Governor desired the House to send him the Copies of those Bills that arose from the Council Board.

Ordered, That *Issac Taylor* do deliver the said Copies to the Governor; but desire him to return the same to the House, for that they think they ought to remain there.

Who returned, and acquainted the House, that he delivered his Message to the Governor according to Order.

A Bill for regulating Money (according to Order) was presented to the House, and read the first Time, and ordered a second Reading.

The Bill for the more easy and effectual Collecting of the Proprietary's Quitrents, with the Amendments, was read the third Time, and *passed in the Affirmative.*

Richard Hill, according to Order, presented to the House a Bill for settling the Administration of the Government upon the Death or Departure of the Lieutenant Governor, and the same received, and read the first Time, and ordered a second Reading.

Isaac Taylor (according to Order) presented to the House a Bill for confirming the Sale of the old Court-house and Prison, in the County of *Chester*, by Virtue of an Act of Assembly, and the same was received and read the first Time, and ordered a second Reading;

And then the House adjourned till Two a Clock in the Afternoon.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

A Petition from *Thomas Godfrey*, and others, about a Road, was presented to the House and read; and

Resolved, That it is the Opinion of this House, that the Petitioners be left to take their Remedy at Law, for that the Request in the said Petition falls not properly under the Cognizance of this House.

Ordered, That Candles be brought in, and they were brought in accordingly.

The Resolve of Yesterday, relating to recommending of Ordinary-keepers, was taken into Consideration.

Resolved, N. C. D. That for the Justices of any County in this Province, in open Court to be hindered to recommend Persons to be licensed to keep Ordinary in any City or Town within such Counties, is a Breach of, and contrary to, that Clause or Branch of the Charter of Privileges.

The Bill for raising the Supply, was read the third Time, and debated:

Ordered, That a Clause be added to the said Bill, that an Impost of *Twenty Shillings per* Pipe be laid upon all Wines imported in any Vessels here built, and two Thirds owned by the Inhabitants of this Province. And another Clause, to ascertain how, and what Security shall be given by the Collectors of the Tax and Impost, for the Discharge of their Duty; and also, to settle the Prices of Licenses and Permits to sell Rum, and other strong Liquors, by Retail:

Ordered, That *Isaac Norris*, and *Caleb Pusey*, do make the said Amendments:

And then the House adjourned till Nine a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Ordered, That *William Carter*, and *John Goodson*, do present the Bill for effectual collecting of the Proprietary's Quitrents to the Governor for his Concurrence.

Who returned, and acquainted the House, that they delivered the same to the Governor according to Order.

A Motion was made, that Leave be given to bring in a Bill to settle the Power of licencing Ordinary-keepers:

Ordered, That Leave be given to bring in a Bill accordingly, and that *David Lloyd* do prepare and bring in the same.

The Bill for confirming old Patents and Grants, and for Prevention of Law-suits, according to Order, was read again, and debated by Paragraphs, and *passed in the Affirmative*, N. C. D.

David Lloyd, and *Isaac Norris*, had Leave to be absent this Afternoon;

And then the House adjourned till Two a Clock this Afternoon.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

A Supplementary Bill to the Act for raising County Levies, was presented to the House, and read the first Time, and ordered a second Reading.

Tobias Dymock (according to Order) presented to the House a Bill for selling the old Court-house, in the County of *Bucks*, and for building a new One in *Bristol*, in the said County, which was received, and read the first Time, and ordered a second Reading.

The Bill for confirming the Sale of the old Court-house at *Chester*, was read again, and committed.

The Bill for Regulation of Money, was read again, and committed;

And then the House adjourned till Nine a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

David Lloyd (according to Order) presented to the House a Bill for settling the Power of licencing Ordinary-keepers, and for limiting the Jurisdiction of the Magistracy of the City of *Philadelphia*.

Ordered, That *David Lloyd* do go to the Justices of the County Court now sitting at *Philadelphia*, and desire their Opinion concerning the said Bill.

Thomas Story (one of the Council) in a Message from the Governor, presented to the House a Petition from *James Logan* to the Governor and Council, together with an Order of Council, for the laying the said Petition before this House, which were read.

The said Member of Council also brought to the House several Bills by this House laid before the Governor for his Concurrence, together with the Governor's Proposals of Amendment to some of them; and also informed, that the Governor desires the House to let him have all the Bills by him consented to, after Ingrossment, to peruse before their final Passing.

Ordered, That *Isaac Norris*, and *Tobais Dymock*, do wait upon the Governor, and humbly desire to know his Pleasure concerning the Ingrossing of the Bills, and by whom?

David Lloyd returned, and reported, that he had been with the Justices in the Quarter-Sessions, and having shewed them the Bills, and after some Debate, they desired him to inform the House, that they will present to the House some Amendment, together with some other Proposals concerning the said Limitations; and that during the Debate, the Governor came into Court, and signified his Willingness to pass any Thing of that Nature, when presented to him for his Concurrence.

Isaac Norris, and *Tobias Dymock*, reported, that they had

been with the Governor, and that he told them, he does not certainly know by whom Bills are usually ingrossed.

The Supplementary Bill to the Act for raising County Levies, was read again, and committed.

The Bill for Sale of the Court-house in *Bucks* County, *&c.* was read, and committed.

The Bill for settling the Administration of the Government, upon the Death or Departure of the Lieutenant Governor, was read again, and debated.

James Logan (one of the Council) in a Message from the Governor, desired the House to be expeditious in sending him those Bills pursuant to his Message in the Morning.

And also informed the House, that if they think fit he will get the Bills ingrossed, in order to pass into Laws; and then the House

Adjourned till Three a Clock this Afternoon.

Post Meridiem.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Bill for regulating Money due upon former Contracts, with the Amendments, was read the third Time, and *passed in the Affirmative.*

The Bill for confirming old Grants and Patents, and for Prevention of Law-suits, was read the third Time, and *passed in the Affirmative.*

Ordered, That *Samuel Cart* do carry all those Bills that are approved by the Governor to the Secretary to be ingrossed; and that they and the Ingrossments be returned to this House for Examination.

David Lloyd has Leave to be absent till To-morrow, at two a Clock, P. M.

And then the House adjourned till Nine a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Samuel Cart acquainted the House, that he delivered the Bills to the Secretary according to Order.

The Bill for regulating Officers Fees, was read the Third Time, and, after some Amendments, it *passed in the Affirmative.*

Ordered, That the same be presented to the Governor for his Concurrence.

A Motion was made, that Leave be given to bring in a Bill to regulate and settle the Elections of the Members of

the City and County of *Philadelphia;* and then the House.

Adjourned till three a Clock this Afternoon.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Two Petitions from the County of *Bucks*, relating to the Removal of their Court-house was read.

The Bill for selling the said Court-house, *&c.* was read the third Time, and *passed in the Affirmative.*

The Supplement to the Act for raising County Levies, was read the third Time, and debated, and *passed in the Affirmative.*

The Bill for settling the Administration of the Government upon the Death of the Governor, was read the third Time, and *passed in the Affirmative.*

The Clause for the Impost of *Twenty Shillings per* Pipe upon all Wines imported in Shipping here built, and two thirds owned by the Inhabitants of this Province, was again moved and debated, and agreed, that an Exception be made of those Vessels that are now gone from hence to fetch Wine for this Voyage, and no longer; and then the House

Adjourned till Nine a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Ordered, That *Nathaniel Newlin* do carry the Bills for Regulation of Money; for selling the Court-house in *Bucks* County; for confirming Patents; and the Supplement to the Act for County Levies to the Governor, and desire his Concurrence thereto.

Who returned, and acquainted the House, that he delivered the same to the Secretary, the Governor not being at home.

The Governor's Amendment to the Bill for keeping the First Day of the Week, was read, and agreed to.

The Governor's Amendments to the Bill for confirming Sales by Letters of Attorney, were read, and agreed to

The Governor's Amendments to the Bill for improving a good Correspondence with the *Indians*, were read, and referred to be debated at a Conferrence with the Governor.

Ordered, That the Bills for confirming Sales by Letters of Attorney; for collecting the Arrears of *Two Thousand Pounds;* to prevent the Importation of *Indian* Slaves; for keeping the First Day of the Week; and to prevent Swine from running at Large, be delivered to the Secretary to be Ingrossed, and that *Edward Shippen* do carry the same.

The Governor's Amendments to the Bill, instituted, *An Act*

to prevent false Evidence, &c. was read, and ordered to be debated at the Conference.

The Governor's Amendments to the Bill for settling the Manner of disposing of Intestates Estates, were read, and agreed to; only the first Amendment to be debated at the Conference.

The Governor's Amendments to the Bill for Probate of Wills, &c. were read; and

Resolved, That the said Bill be insisted on at the Conference to stand as it is.

The Motion and Request of the seventh Current, for Leave to be given to bring in a Bill to settle the Elections of Members of Assembly for *Philadelphia* City and County distinct, was again moved and considered:

Resolved, That Leave be given to bring in a Bill accordingly, and that *Richard Hill* do prepare and bring in the same.

Jeremiah Langhorne has Leave to be absent for two Days on extraordinary Occasions;

And then the House adjourned till the eleventh Instant, at Two a Clock, P. M.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared;

And the House adjourned till Nine a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Governor's Amendments to the Bill for the better Confirmation of the Owners of Lands, and Inhabitants in this Province in their Lands, and Possessions, were read, and order'd to be waved till the Member that drew the Bill be present.

The Governor's Amendments to the Bill for acknowledging and recording of Deeds, were read and debated, some of them were agreed to, others ordered to be debated at the Conference.

A Motion was made, that a Committee be appointed to manage the Conference with the Council desired by the Governor in a Message to this House.

Ordered, That the same be deferred till there be a full House, said Members being now absent.

Richard Hill (according to Order) presented to the House a Bill, intituled, *An Act to ascertain the Rights and Privileges of the Freemen of this Province in their Elections*, and the same was received, and read the first Time, and ordered a second Reading;

And then the House adjourned till Three a Clock this Afternoon.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared

The Bill for confirming the Sale of the old Court-house at *Chester*, was read the third Time, and *passed in the Affirmative.*

A Bill for selling Ale and Beer by Wine Measure (according to Order) was presented to the House and read, and ordered to be read again.

The House took into Consideration *James Logan's* Petition presented to this House on the sixth Current:

Ordered, That *Thomas Story*, who laid the said Petition before this House, do attend this House, to answer such questions as this House shall see Cause to ask touching the said Petition, and that *John Cook* do acquaint him therewith.

Ordered, That the said Member do carry the Bill for settling the Administration of the Government upon the Death of the Governor, to the Governor, and desire his Concurrence thereunto.

Who returned, and informed the House, that he performed his Message according to Order; and that *Thomas Story* will attend this House To-morrow, at Ten a Clock, A. M.

And then the House adjourned till Nine a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Richard Hill, from the Committee appointed to amend the Laws excepted against by the Queen's Attorney, presented to the House a Bill, intituled, *An Act about Attachments*, and the same was received, and read the first Time, and ordered a second Reading.

The Bill for ascertaining the Rights and Privileges of the Freemen of this Province, in their Elections, was read a second Time, and debated:

Ordered, That the said Bill be further debated this Afternoon.

Thomas Story, one of the Council, in a message from the Governor brought to the House several Bills laid before him by this House, with the Governor's Amendments to some of them;——and the House desired the said Member of Council to inform *James Logan*, that this House do expect him to lay before them his Proposals touching the said Petition;

And then the House adjourned till three a Clock this Afternoon.

Post Meridiem.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The House (according to Order) proceeded in the Debate of the Bill for ascertaining the Rights and Privileges of the Freemen of this Province, in their Elections, and after a Considerable Time spent therein, the Question was put, that all the Inhabitants of the Town and County of *Philadelphia*, qualified according to Law, have Power of electing and being elected Members of Assembly for the Town of *Philadelphia*? *It passed in the Affirmative.*

The Question was also put, that the Inhabitants of the Town of *Philadelphia*, having Estates of Freehold therein, shall have Power, and be qualified to choose and be chosen Members of Assembly for the County?

Ordered, That the Bill be amended according to the two last mentioned Resolves;

And then the House adjourned till Nine a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

A Petition of *Ruth Duckett*, of *Philadelphia*, Widow, was presented to the House and read, praying Leave may be given to bring in a Bill to enable her to sell some Part of her late Husband's Lands, for Payment of his Debts and Legacies:

Ordered, That *Edward Shippen*, and *William Carter*, do look into the State of the Accounts of the said *Duckett's* Estate, and make Report to the House.

A Petition of *Elizabeth Saunders*, Widow, was presented to the House and read, praying Leave may be given to bring in a Bill to enable her to sell some Lots in *Philadelphia*, Part of her late Husband's Real Estate, towards Payment of his Debts, and Maintenance of herself and Children:

Ordered, That Leave be given to bring in a Bill accordingly.

Whereupon a Bill (to answer the said Petition) also laid before the last Assembly, was presented to the House and read, and ordered to be read again.

The Governor's Proposals of Amendment to the Bill for collecting the Proprietary's Quitrents, was read, and *Ordered*, that the said Bill be insisted on at the Conference to stand as it is.

The Governor's Amendment to the Bill for Regulation of Money, was read, and ordered that *Double Bitts* be added to the said Amendment.

The Governor's Amendments to the Bill for settling the Administration of the Government, were read, and agreed to by the House.

Ordered, That the two last mentioned Bills, with the Bills for selling the Court-house in *Bucks* County; and the Supplement to the Act for raising County Levies, be sent to the Secretary for Ingrossment, and that *Samuel Cart*, and *Isaac Taylor*, do carry the same;

And then the House adjourned till Three a Clock this Afternoon.

Post Meridiem.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Samuel Cart reported, that he, with the other Member, delivered the Bills to the Secretary according to Order.

The Bill for selling Ale and Beer by Wine Measures, was read the second Time, and committed.

The Bill about Attachments, was read a second Time, and the Question being put, that Lands be left out of the said Bill? *It passed in the Affirmative.*

And then the Bill was committed.

A Bill for the Affirmation prescribed by Act of Parliament, to be taken in Lieu of an Oath in all Cases, was read the first Time, and ordered, a second Reading.

Ordered, That *David Lloyd*, *William Carter*, *John Swift*, *and Robert Pile*, do manage the Conference with the Council; and then the House

Adjourned till Nine a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Bill to ascertain the Rights and Privileges of the Freemen in their Elections, was read:

Ordered, That a Clause be added to the said Bill, to make the Qualifications of Electors and Elected to be as by Law made at *Newcastle*, in the Year 1700; and then the Bill being put to the Vote, it *passed in the Affirmative.*

Ordered, That *Samuel Cart*, and *Richard Webb*, do wait upon the Governor to know his Pleasure concerning the Time of the Conference.

Resolved, That the whole House, or as many of the Members as are willing, will attend the Conference with the Governor's Council; and that the said Conference shall be managed by a Committee of this House:

Ordered, That the Speaker, *Caleb Pusey*, *David Lloyd*,

Richard Hill, Isaac Norris, and Robert Pile, be the said Managers; and then the House

Adjourned till Three a Clock this Afternoon.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Bill for selling Ale and Beer by Wine Measure, was read the third Time, with the Amendment, and committed to *Isaac Taylor* for further Amendment.

The Bill about Attachments, with the Amendments, was read the third Time, and *passed in the Affirmative*, N. C. D.

The Bill to vest the Estate in certain Lots in *Philadelphia*, late of *John Saunders*, deceased, in Trustees, to sell the same for Payment of his Debts, and Maintenance of his Widow and Children, was read the second Time:

Ordered, That the said Bill (being attended with some Difficulties) be laid aside till further Application be made by the Widow, which she may make at the next Session of this Assembly.

The Bill for raising the Supply, was read with the Amendments, and after another Amendment, it *passed in the Affirmative:*

Ordered, That the Speaker, and *Richard Hill*, do present the said Bill to the Governor;

And then the House adjourned till the seventeenth Instant, at Nine a Clock, A. M.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Edward Shippen (according to Order) reported to the House the State of the Accounts of *Ruth Duckett*, touching the Execution of her late Husband's last Will:

Ordered, That the said Business be deferred till the next Session of Assembly, and that the said *Ruth Duckett* do prepare for the same against that Time.

Griffith Owen (one of the Council) in a Message from the Governor acquaints the House, that the Governor is sitting in Council, and ready to receive the Members of this House to the Conference; and that the Governor will sit in Council at the said Conference, if the whole House; but if only a select Committee, then the Governor will appoint some of the Council to manage the same; and then the House

Adjourned till three a Clock this Afternoon.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Bill for improving a good Correspondence with the *Indians* being considered,

Ordered, That the Clause about *Fifty Pounds per Annum*, to be employed for carrying on the Treaties with the *Indians*, be desired at the Conference to be put out of this Bill, it being provided for in the Supply Bill.

The Bill for the Affirmation to pass instead of an Oath, was read the second Time, and committed.

Ordered, That *Nicholas Fairlamb* do wait upon the Governor, and desire to know if he is ready to receive this House to the Conference.

Who returned, and acquainted the House, that the Governor is ready to receive them;

And then the House, going to the Conference, adjourned till Nine a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Bill concerning the Probate of Wills, *&c.* having been partly debated at the Conference, the Governor's Amendments at the said Debate, were considered in the House.

Resolved, That a Clause be added to the said Bill, to make Probates of Wills and Letters of Administration taken in any County of this Province, to be of Force or Effect all over the Province, and a Clause was added accordingly.

Resolved, That a Clause be added to the said Bill, that the Register General shall give Security in the Sum of *Two Hundred Pounds*, and his Deputies in *One Hundred Pounds* each.

The Bill about the Affirmation, was read the third Time, with the Amendment, and after some other Amendments, it *passed in the Affirmative.*

Ordered, That *Nathaniel Newlin* do wait upon the Governor, and desire to know when he will please to be attended upon by this House, in order to proceed in the Conference;

And then the House adjourned till three a Clock this Afternoon.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Nathaniel Newlin reported, that he delivered his Message to the Governor according to Order; and that the Governor told him, at two a Clock this Afternoon he would be ready to receive this House.

Ordered, That the Speaker deliver the Bills about Attachments; and for confirming the Sale of the Court-house at *Chester* to the Governor; and then the House, to attend the Conference, adjourned till Nine a Clock To-morrow Morning.

A Quorum of the Members met.

John Swift, *Samuel Cart*, and *Nathaniel Newlin*, are de-

sired to wait upon the Speaker, and desire to know if he is able to attend the Service of this House?

Who returned, and informed, that the Speaker (through Sickness) is not able to come to the House; but desire the Members to meet at his Chamber:

Whereupon they went to the Speaker's Chamber, and the House being called over, a Quorum appeared.

Ordered, That *Edward Shippen* be added to the Managers of the Conference, the Speaker being absent.

Then the House resolved into a Committee of the whole House, to proceed in the Consideration of the Governor's Amendments to some of the Bills, and to attend the Conference.

Ordered, That *Nicholas Fairlamb* do assist the Clerk to examine those Bills that are transcribed, and carry the same to the Conference to be presented to the Governor for his Concurrence.

James Logan, one of the Council, in a Message from the Governor came to the Speaker's House, and acquainted the Speaker, that the Governor desires the House to attend him in Council forthwith, in order to proceed in the Conference.

Resolved, That this Committee will wait upon the Governor immediately, and then the Committee went to the Conference.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Edward Shippen reported the Conference.

Agreed, That according to the Governor's Amendment to the Bill for better Confirmation of Owners of Lands, *&c.* at the Conference, the Clause confirming Sales and Purchases by religious Meetings *&c.* be left out, and drawn up in a Bill by itself:

Ordered, That *David Lloyd*, *Samuel Carpenter*, and *Isaac Norris*, do prepare and bring in a Bill accordingly.

Ordered, That *David Lloyd*, and *Isaac Taylor*, do amend the Bill for settling the Manner of disposing of Intestates Estates, as agreed at the Conference.

The Amendments proposed at the Conference to the Bill about collecting Quitrents, were read, and agreed to be altered as follows, *viz.*

That Notice of the Time and Place of receiving Quitrents be given, by affixing Notes or Advertisements on the Door of every publick Meeting-house for religious Worship in each County, with another Amendment, *viz.* (Notice being given as aforesaid)

The Amendments to the Bills for better Confirmation of Property; and against Rape or Ravishment, being agreed to,

Ordered, that the same be sent to the Secretary for Ingrossment, and that *Jeremiah Langhorne*, and *Isaac Taylor*, do carry the same.

The Question was put, upon the Debate of the Governor's Amendment to the Bill against Incest and Sodomy, *&c.* that the said Amendment be inserted? *It passed in the Negative.*

Upon further Consideration the Question was again put, that no Person shall marry or her first Cousin, or Wife's or Husband's Sister or Brother, upon the Penalty of Twenty Pounds? *It passed in the Affirmative.*

Ordered, That *Jeremiah Langhorne*, and *Isaac Taylor*, do carry the Bill against Incest and Sodomy, the Amendment being agree to; and the Bill about Departers out of the Province, to the Governor, and desire him to concede to the Amendment made thereto by the House; and that they do desire the Governor to send his Proposals of Amendment to the Bill against riotous Sports; and the Secretary to send the first Draught of the Bill for collecting Quitrents, for that the House want to see a Proviso therein mentioned in the Governor's Amendments to the said Bill;

And then the House adjourned till three a Clock this Afternoon precisely.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Jeremiah Langhorne reported, that they delivered the Bills to the Governor according to Order; and that he was pleased to promise to send the Draught of the Bill about Quitrents, with his Proposals of Amendment to the Bill against riotous Sports; and also, that he desires the House to attend him in Council to the Conference To-morrow Morning.

The Amendments to the Bill for collecting the Proprietary's Quitrents, were further debated, and the Question being put, that the Tenants under the Proprietary that pay Quitrent's in Wheat, shall pay the same at some near or other convenient Mill, and the Miller's Receipt shall be a sufficient Discharge? *It passed in the Affirmative.*

James Logan (one of the Council) presented to the House the Governor's Amendments to the Bill against riotous Sports, *&c.* which were read.

The Clause in the Bill about Quitrents, giving the Tenant Liberty to give his own Affirmation in Evidence to certify the Payment of his Quitrents, having lost his Receipts, after some Amendment, was agreed to.

The Amendment to the Clause relating to the Security to be given for Rent, agreed to.

The Proviso, that all Obligations given for Quitrents, shall bar all Actions for the same, *Ordered* to stand as it is.

Agreed, That a Provisal, that no Action, if the Defendant fail in Payment of the Rent, shall be a Bar to the Recovery of the same Arrears, be inserted in the Bill; and then the Bill, with the Amendments, *pass'd in the Affirmative.*

The Governor's Amendments to the Bill against riotous Sports, were read, and agreed to;

And then the House adjourned till Nine a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Amendment proposed to the Bill about Witnesses, *&c.* was brought out, in order to be debated:

Ordered, That the Consideration thereof be deferred till the Governor send in what Account he has from the Lords of Trade relating thereto.

The Amendments to the Bill about recording of Deeds, were considered; and first, The Clause about the Price of a Search, to be *Eighteen-pence* for all, agreed to.

Agreed, That there shall be a Seal in the said Office of Enrollment in each County.

The Bill about collecting Quitrents, with the Clause, agreed to be added thereto, was read.

The Clause in the Bill for better Confirmation of Owners of Lands, *&c.* for confirming Sales by religious Meetings, *&c.* being according to Order drawn up in a Bill by itself, was presented to the House and read, and *passed in the Affirmative.*

Agreed, That a Clause be added to the Bill for settling Intestates Estates,——that they shall, if no Kindred appear, escheat to the Lord of whom such Lands are held; but if the Heir appears, he shall have the Lands, and pay for the Improvements.

A Defect being seen in the Bill for Regulation of Money, after the same was agreed to by the Governor and ingrossed:

Ordered, That the Governor be humbly requested to agree to the said Amendment.

Ordered, That the Bills against riotous Sports, with the Amendments; for religious Meetings, *&c.* to buy and sell Lands; collecting Quitrents; Regulation of Money; and for settling of Intestates Estates, be sent to the Secretary for Ingrossment, if the Governor please to agree to the Amendments, by *David Lloyd* and *Caleb Pusey*, who are to examine the Bills that are ingrossed.

Ordered, That the Committee of the whole House appointed to attend the Conference be revived;

And then the House adjourned till Nine a Clock To-morrow Morning.

The House met at the Speaker's House, and the Members being called over, a Quorum appeared.

The Speaker reported, that he, with *Richard Hill*, according to Order, had presented to the Governor the Bill for raising the Supply; and had treated with him about the Bill for the Affirmation, and other Bills now lying before him; and that the Governor gave Thanks to this House for their Care on his Behalf; and that he promised to pass any Bills that should be for the People's Interest and Safety, so far as they may consist with his Honour and Trust.

Edward Shippen reported from the Committee appointed to attend the Conference, and consider the Amendments proposed by the Governor there, that they had gone through the Bill for recording Deeds, and made some Amendments to the same; and that there was a Motion made in the Committee to adjourn for some Time.

Ordered, That *Isaac Taylor*, and *Jeremiah Langhorne*, do wait upon the Governor, to know whether he will please to do any Business this next Week, or that the House shall adjourn for some Time?

The Amendments to the Bill for recording Deeds, reported from the Committee, were read, and agree to.

Isaac Taylor reported, that the Governor will send his Pleasure to the House at three a Clock in the Afternoon, concerning the Adjournment.

Ordered, That *Samuel Cart*, and *Joshua Hoopes*, do wait upon the Governor, and acquaint him, that in regard this is the last Day of the Week, and several Members have Horses in Town, in order to go home, the House desires his speedy Result concerning the Adjournment.

The Governor's Proposals of Amendment to the Bill about selling Ale and Beer by Wine Measure, were read.

James Logan (one of the Council) in a Message from the Governor, that the Governor, in answer to the two last Messages from this House, acquaints them, "That if the House are desirous to proceed in Business, he will attend the Service of the Government some Part of the next Week; but had rather the House would adjourn till Second Day come a Week, and no longer: And also informed the House, that the Governor cannot agree to the Amendment proposed

by the House to the Bill for Regulation of Money; but presented to the House another Amendment to the said Bill; and that the Governor desired a Committee may be appointed to treat him upon some small Amendments to the Bills lying before him; and that the Bill for Regulation of Money be published forthwith."

Resolved, by Majority of Voices, That a Clause be added to the Bill for collecting Quitrents, to impower the Justices in each County to grant Replevins in all Cases where the Party grieved shall desire the same, and make them returnable to the respective County Courts.

Ordered, That *David Lloyd*, *Samuel Carpenter*, *Edward Shippen*, and *Isaac Norris*, be a Committee, according to the Governor's Request.

The Governor's Amendments to the Bill for Regulation of Money, was read, and put to the Vote, and *passed in the Affirmative.*

Ordered, That *William Paxton*, and *Samueel Cart*, do wait upon the Governor, and acquaint him, that this House will adjourn till the Thirty-first Instant;

And then the House adjourned till the Thirty-first Instant, at two a Clock, P. M.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Edward Shippen, from the Committee appointed to attend with the Governor, reported, that they had attended accordingly, and that the Secretary informed them, the Governor was now willing to pass the Bills as they are.

The Speaker reported, that the Attorney General, and the Clerk of this City, had informed him, that the Governor desired to see the Bill for Regulation of Courts.

Resolved, That this House will To-morrow Morning go upon the Consideration of the Governor's Amendments to the Bills by him last returned to this House;

And then the House adjourned till Nine a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Governor's Amendments to the Bill for selling Ale and Beer by Wine Measure, were read:

Resolved, That the Governor be humbly requested to pass the same as it is, for that this House cannot agree to his Amendments.

The Governor's Amendments to the Bill for regulating Elections, were read, and debated, and some of them were

disagreed, and others agreed unto by the House.

An Objection arose after the Debate of the said Amendments, about an elected Person going out of the Province:

Resolved, That the Fine in such Case be any Sum not exceeding *Ten Pounds*, and that then the next that hath the most Votes, shall serve in his Stead; and also, that the Clause about the Governor's issuing Writs for electing Members instead of dead or incapacitated Members, be left out:

Ordered, That *Isaac Norris*, *Samuel Carpenter*, and *David Lloyd*, do draw up the said Amendment upon the Debate of the House.

The Governor's Amendments to the Bill about Attachments, were read, and agreed to by the House.

The Governor's Amendments to the Bill about the Affirmation, were read.

Ordered, That a Clause be added, that an Oath administered in Court, shall be the Act of the Magistrate only that administers it;

And then the House adjourned till Three a Clock this Afternoon.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Governor's Proposals about the Bill against Incest *&c.* were read, and after a considerable Debate thereupon,

Ordered, That the Governor be humbly requested to pass the same as first sent from this House.

James Logan (one of the Council) in a Message from the Governor, brought to the House the Governor's Amendments to some Bills laid before him by this House, which he delivered to the Speaker, and the same were read; and also, that the Governor desires a Committee of the House may be appointed to confer with some of the Council and the Officers about the Bill of Fees.

The Governor's Amendments to the Bill about Departers out of the Province, were read, and *Ordered*, that the Governor be humbly requested to pass the said Bill as it is.

The Governor's Amendments to the Bill about seven Years quiet Possession, were read; and agreed, that the Words *(Good and)* be left out, and the Word *(an)* inserted instead thereof.

The Governor's Proposals of Amendment to the Bill for collecting Quitrents, were read, and agreed to;

And then the House adjourned till Nine a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

A Petition of several Inhabitants of the City and County of *Philadelphia*, relating to the Bill for Regulation of Money, was read:

Resolved, That the said Petition be laid aside, this House seeing no Cause to comply therewith.

Some Amendments were proposed in the House to the Bill for recording Deeds, which were read, and agreed to, and ordered to be put into the Bill.

Ordered, That *Richard Hill*, and *John Goodson*, do carry the Bills for recording Deeds; for County Levies; against Incest, *&c.* for Regulation of Money; for collecting Quitrents; for seven Years quiet Possession; about Departers out of the Province; for selling Beer ond Ale by Wine Measure; and about Attachments, to the Governor, and desire him to order the Ingrossing of such of them as his Amendments are agreed to; and also, to request his Concurrence to the Amendments made to some of them by the House;

And then the House adjourned till Three a Clock this Afternoon.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

John Goodson reported, that they delivered the Bills to the Governor according to Order, and that the Governor desires the Conference upon the Bill of Fees may be forthwith.

A Bill to enable *Joseph Pidgeon* to make Leases on certain Lots in *Philadelphia*, belonging to his Children, was read; but forasmuch as the said Bill, to be compleated, will require the Examining of Persons and other Difficulties;

Resolved, That this Assembly not having Time to go through the same, it be deferred till the next Session of this Assembly.

Ordered, That *Edward Shippen*, and *John Swift*, do wait upon the Governor, and desire him to send his Proposals to the Bill of Fees; and that he will please to order the Officers to lay before the House a Table of their respective Fees now taken; and also, that he will please to send his Answer to those Bills now lying before him.

Who returned, and acquainted the House, that they delivered their Message to the Governor according to Order; and that he was pleased to answer, that if the House lik'd that Method better then a Conference, he would comply with it;

And then the House adjourned till Nine a Clock To-morrow Morning.

The House met and the *Speaker* assuming the *Chair*, the Members were called over and a *Quorum* appeared.

The Petition of *Thomas Makin*, complaining of Damage accruing to him by the Loss of several of his Scholars, by the Reason of the Assembly's using the School-house so long, the Weather being cold:

Ordered, upon the Question that *Thomas Makin*, in Compensation for his Damage aforesaid, be allowed the Sum of *Three Pounds*, over and above the Sum of *Twenty Shillings* by this House formerly allowed him for the same Consideration:

Resolved, by Majority of Voices, That the County of *Philadelphia* do pay the said Sum of *Three Pounds*.

Resolved, That an humble Address be presented to the Governor, that the next Assembly may sit at *Chester*, and the next in *Bucks* County, and so in them Counties successively, until the County of *Philadelphia* shall have a State-house, or other convenient Place, for the Assembly to sit in; and

Ordered, That *Jeremiah Langhorne*, and *Isaac Taylor*, do prepare and bring in the same.

Richard Hill, from the Committee appointed to amend the Bill about the Affirmation, reported, the Amendments was drawn up and transcribed;

And then the House adjourned till Three a Clock this Afternoon.

Post Meridiem.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Richard Hill presented to the House the Amendment ordered to be made to the Bill about the Affirmation, with some other Alterations proposed thereto by the Committee to whom it was committed; which he delivered in at the Table, where the same were read.

Thomas Story, and *James Logan* (two of the Council) in a Message from the Governor, brought to the House the Bills about recording Deeds; for collecting Quitrents; and for settling Intestates Estates, with the Governor's Amendment to the Amendments made hereto by the House; together with the Bill for the Trial of *Negroes*, and the Amendment agreed to be made thereto at the Conference, which they delivered to the Speaker; and further informed the House, that the Governor will send his Amendments to those Bills lying before him to the House shortly.

Thomas Story desired that a Copy of the Attorney General's Reports may be ordered him to record immediately before the Laws do pass this Assembly, to shew which of them were expected against by the said Attorney.

The Bill about the Affirmation was read, with the Amendments, and debated by Paragraphs, and being gone through, the Bill was put to the Vote, and *passed in the Affirmative.*

Ordered, That *Richard Hill,* and *Caleb Pusey,* do carry the Bill to the Governor, and desire his Concurrence thereunto.

The Governor's Amendments to the Bill for recording of Deeds, as last sent from the Board, were read and considered, and *passed in the Affirmative.*

A Message from the Governor by *James Logan,* that the Governor desires a Conference upon the Bill of Fees To-morrow Morning, at Eight a Clock.

The Governor's Amendments to the Bill for collecting Quit-rents as last sent from the Board, were read, and agreed to, the Word *(Sterling)* being left out.

The Governor's Amendments to the Bill about Intestates Estates, as last sent from the Board, were read, and *passed in the Negative.*

The Question was put, that a Committee be appointed to manage the Conference desired by the Governor in his last Message? *It passed in the Affirmative.*

Ordered, That *David Lloyd, Isaac Norris, Jeremiah Langhorne, Samuel Carpenter, Robert Pile,* and *Caleb Pusey,* be the said Managers;

And then the House adjourned till two a Clock To-morrow Afternoon.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

David Lloyd reported from the Committee appointed to amend the Bill about regulating Elections, that they had amended the same, which he delivered to the Speaker; and further reported from the Committee appointed to confer with the Council upon the Bill of Fees, that they had made some Progress in the said Conference.

The said Bill for regulating Elections, with the Amendment, was read, and debated by Paragraphs.

Resolved, N. C. D. That the Fine for a Member refusing to serve in Assembly, being duly elected for that Service (his Excuse not being allowed of by the Assembly) shall be any Sum not exceeding *Ten Pounds.*

Ordered, That a Clause be added to ascertain the Manner of returning Elections of Sheriffs and Coroners, and the

Sheriffs giving Security; and then the Bill, with the Amendment, being put to the Vote, *it passed in the Affirmative.*

Richard Hill reported, that the Secretary came to his House this Morning, and that he delivered him the Bill about the Affirmation, together with the Bills by *Thomas Story*, and *James Logan*, last brought to the House, the Amendments being agreed to;

And then the House adjourned till Nine a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Clause ordered to be added to the Bill about Elections, was presented to the House, and read:

The Question being put, that the said Clause be put in a Bill by itself, and the Sheriff made eligible Yearly? *It passed in the Affirmative*, N. C. D. and the same was drawn up immediately.

Orderd, by Majority of Voices, That the Manner of electing Sheriffs be left out of the said Bill, and left as *Per* Charter.

Ordered, That *Robert Pile*, and *Joshua Hoopes*, do wait upon the Governor, and desire his Answer to the Bills for preventing Law-suits; for impowering religious Meetings to buy and sell Land; about Fees; and the Affirmation Bill; and that they do see what Bills are ingrossed.

Who returned, and acquainted the House, that the Governor had told them, that he would further consider the said Bills, and send his Amendments; and that the Bills are mostly ingrossed.

A Petition of several Bakers of *Philadelphia* was presented to the House, and read:

Resolved, That the Consideration of the said Petition be deferred till the next Session of this Assembly, Time being now too far spent to consider thereof.

A Message from the Governor by *James Logan*, that the Governor has spent this Morning upon the Bill about the Affirmation, but has not gone through the same, but will send his Amendments as soon as possible; or if the House is willing, he will pass those Bills that are ingrossed, and leave this, with other Bills now lying before him, to another Session.

A Bill from the Council-board, about mending the Highways, was presented to the House, and read, and ordered to be read again.

James Logan informed the House, that there was a Petition laid before the Governor and Council, touching the Bill

for Regulation of Money, which he thinks will be laid before this House;

And then the House adjourned till Three a Clock this Afternoon.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Bill about High-ways was read the second Time, and, upon the Question, after the Debate thereof, *it passed in the Negative.*

A Motion being made, that all Teams, within six Miles of the City of *Philadelphia*, shall go double, and the said Motion being put to the Vote, *it passed in the Affirmative.*

Ordered, That *Edward Shippen*, *Isaac Norris*, and *William Carter*, do alter the Bill about High-ways accordingly.

A Debate arose in the House about the Qualifications of Electors of Representatives:

The Question was put, that the pecuniary Qualifications for Electors for the Counties be *Fifty Pounds* Value, real Estate; and the Freemen and Inhabitants of *Philadelphia*, *Fifty Pounds Value*, personal Estate? *It passed in the Negative.*

The Bill for regulating Elections of Sheriffs and Coroners, was read again, and after an Amendment, agreed upon, committed.

The Amendment to the Bill about Elections of Representatives, as last amended, was considered, and *passed in the Affirmative;*

And then the House adjourned till the seventh Instant, at Nine a Clock, A. M.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Nathaniel Newlin presented to the House the Amendment made to the Bill about Elections and Qualifications of Sheriffs and Coroners, and the same, with the Bill, being read, it *passed in the Affirmative* by six Parts of Seven.

Ordered, That *Richard Hill*, and *John Swift*, do carry the two last mentioned Bills to the Governor, and desire his Concurrence thereto, and to those Bills lying before him, for that this House has dispatched all the Business before them, and are desirious that all the Bills should pass together with all Expedition.

Isaac Norris presented to the House the Amendment ordered to be made to the Bill about High-ways, and the Bill, with the Amendment, being read,

Ordered, That the same be read again this Afternoon.

Richard Hill reported, that he, with the other Members appointed to wait upon the Governor, had delivered their Message to him according to Order; and that he delivered them a Petition laid before him touching the Bill for Regulation of Money, which they delivered to the Speaker; but that the Governor made no Answer to that part of their Message relating to the Bills lying before him;

And then the said Petition was read.

Ordered, That *Isaac Norris* do make the Amendment agreed to be made to the Bill about Regulation of Money, and bring the same to the House this Afternoon;

And then the House adjourned till three a Clock this Afternoon.

Post Meridiem.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

David Lloyd reported, that he, with the other Member appointed to examine the ingrossed Bills, had spent this Morning in examining Part thereof.

Isaac Norris (according to Order) presented to the House the Amendment ordered to be made to the Bill for Regulation of Money.

The Amendment of a Limitation of Twenty-one Years for the Claim to Intestates Estates (the Bill being again brought from the Governor) was debated, and being put to the Vote, it *passed in the Affirmative.*

Joseph Pidgeon (one of the Council) brought to the House several Bills, with the Governor's Amendments; and also presented to the House from the Council-board, a Bill for regulating Courts of Judicature.

The Bill about High-ways, with the Amendment, was (according to Order) read again, and debated.

The Amendment to the Bill about Regulation of Money, was read, and agreed to.

The Amendments formerly proposed to the Bill about Elections of Representatives, were read and agreed to, and ordered to be inserted in the Bill:

Ordered, That *David Lloyd* do insert the same.

The Governor's Amendments to the Bill about Elections of Sheriffs, were read, and agreed to.

Ordered, That *David Lloyd*, and *Caleb Pusey*, do carry the four last mentioned Bills to the Governor;

And then the House adjourned till Nine a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Bill for Regulation of Courts, was read the first Time, and *Resolved*, N. C. D. that no further Procedure be made therein this Session.

David Lloyd (according to Order) presented to the House the Amendment inserted in the Bill about the Elections of Representatives, which was read, and agreed to by six Parts of Seven.

The Bill about the High-ways, with the Amendment, was read the third Time, and *passed in the Affirmative.*

David Lloyd reported, that in examining the ingrossed Bills, they find the Clause limiting the Charge of Treaties with the *Indians* to *Fifty Pounds per Annum*, struck out, and that Charge unlimited; and a Debate arising in the House thereupon,

Ordered, That *Isaac Norris*, and *Samuel Carpenter*, do wait upon the Governor, and request him the Clause in the Supply Bill relating to Treaties with the *Indians*, the Charge thereof may be struck out, and inserted in the Bill for improving a good Correspondence with the *Indians*, as first sent from this House; and that they deliver the Bills for Election of Members of Assembly, and Sheriffs; and Regulation of Money; and about the High-ways, to the Governor.

James Logan (one of the Council) in a Message from the Governor, brought to the House the Bill of Fees, together with the Accounts of several of the Officers of what Fees are taken, and what are desired may be taken, for their respective Services.

And also, presented to the House a Petition touching his former Petition laid before this House; and desired, that what Bills are ready may be sent to be ingrossed.

Samuel Carpenter reported, that they delivered their Message, with the Bills, to the Governor; and that he was pleased to answer, he would consider of the said Message.

Ordered, That the Bill of Fees be laid aside, there being not Time now to go through the same.

James Logan's Petition was read, and ordered to be considered this Afternoon;

And then the House adjourned till three a Clock this Afternoon.

Post Meridiem.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The House (according to Order) took into Consideration *James Logan's* Petition, and

The Question being put, that the said *James Logan* be allowed for his Service mentioned in the said Petition, for five Years last past, the Sum of *One Hundred Pounds*, to be paid out of the Tax or Impost? *Is passed in the Affirmative.*

A Petition of *Isaac Norris*, and *David Lloyd* (two Members of this House) as Executors of *Thomas Lloyd* (late Deputy Governor of this Province) which was laid before Governor *Penn* at his last going off, together with the Proprietary's Recommendation thereof to the Assembly, was presented to the House and read, and considered, and ordered to be further considered To-morrow Morning;

And then the House adjourned till Nine a Clock To-morrow Morning;

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Ordered, *David Lloyd*, and *Joshua Hoopes*, do wait upon the Governor and desire him to send what Bills he has lying before him, and to pass those that are ready To-day; and that they request the Governor that the Bill against Incest, Sodomy, and Buggery, may be drawn up in two Bills.

Who returned, and reported, that they delivered their Message to the Governor according to Order; and that he is pleased to consent to make the Bill against Incest, *&c.* in two Bills; and that he delivered them an Amendment to the Bill about Intestates Estates, which he would have made in a Bill by itself.

A Message from the Governor, by *Jasper Yeats*, and *James Logan* (two of the Council) that the Governor has proposed his Amendments to the Bill about confirming Patents, *&c.* and that he desires the Bill about the Affirmation might be left till next Session, and drawn up in the Proprietary's Name, and sent to him, in order to obtain the Royal Sanction; and that the Governor desires the Bill about religious Societies may be deferred till another Session, that he may have Advice about the same.

The Amendment to the Bill about Intestates Estates, brought in this Morning, was drawn up in a Bill by itself, and read the first Time, and ordered a second Reading.

Resolved, That the Message from the Governor, by the two Members of Council, relating to the two Bills now lying before him, being of great Moment to us, and the Generality of the People we represent is not satisfactory to this House.

Ordered, That *David Lloyd*, *Samuel Carpenter*, *Caleb Pusey*, *Isaac Norris*, *Richard Hill*, and *Edward Shippen*, immediately do wait upon the Governor, and desire him to take those Bills into his further Consideration, in order that the same may pass before the Close of this Session, with such Amendments or Alterations as may be thought Proper;

And then the House adjourned till three a Clock this Afternoon.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Isaac Norris reported, that they had waited upon the Governor, and delivered their Message according to Order; had also laid before him some Reasons in Behalf of this House for the Request made; and that the Governor was pleased to answer that he thought the House could not be insensible of his Straitness in the Case, by Reason of the Queen's Order and other Things, and thought that Proposal of remitting to the Proprietary might have sufficed; but that he would take their Request into Consideration.

A Message from the Governor by *James Logan* (one of the Council) that the Governor proposes a Conference with the whole House, or a select Committee, upon the Affirmation Bill; and the Bill about religious Meetings to buy and sell Lands, if the House think fit; and desires an immediate Answer, and then withdrew:

And after some Debate,—the said Member of Council being called in, was informed, that the House, or a grand Committee will attend the Governor in Half an Hour.

The House entered upon the Consideration of the Subject Matter to be debated at the Conference; and, after some Time spent therein, the Question was put, that if the Governor will no pass the Affirmation Bill, as last sent from this House, that then the Affirmation prescribed by Act of Parliament, be conceded to? *It passed in the Affirmative.*

Ordered, That the Members that went with the last Message to the Governor, do manage the Conference.

Then the House (in order to attend the Conference) resolved into a Committee of the whole House.

The Committee went to the Conference.

The Speaker assumed the Chair.

David Lloyd reported from the grand Committee appointed to attend the Conference they had attended accordingly, and that the Governor insisted upon the contrariety of the said Bill to the Queen's Order in the Clause, where those that cannot administer Oaths are impowered to charge Witnesses to

give Evidence upon their Affirmation; but upon further Debate, the Governor took the Matter into further Consideration.

And as to the other Bill, which was to have been the Subject Matter of the said Conference, the Governor was pleased to answer, that he could give no positive Answer thereto, till he had Advice about the Matter of Law in the Case.

Resolved, That an humble Address be drawn up, and presented to the Governor, to let him understand the Sense of this House upon the last Conference, and that *David Lloyd*, *Samuel Carpenter*, *Isaac Norris*, and *Caleb Pusey*, do draw up the same.

Ordered, That *Richard Hill*, and *Caleb Pusey*, do wait upon the Governor, and acquaint him, that this House desires to know what Account he has from the Lords of Trade relating to the Affirmation;

And then the House adjourned till Four a Clock this Afternoon.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

David Lloyd reported, that they had made some Progress in drawing the Address, but had not finished the same.

Richard Hill reported, that he, with the other, had waited upon the Governor, and delivered their Message to him according to Order; and that he had given them a Copy of that Part of the Account of the Lords of Trade relating to the Affirmation, which they had delivered, together with the Proprietary's Observations thereupon, to the Committee appointed to draw up the Address; and that the Governor told them, he would consent to a Conference, or any other Way, to dispatch Business.

The Bill directing the Order of Payment of Debts by Executors or Administrators, was read the second Time, and committed;

And then the House adjourned till Nine a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Bill directing the Order of Payment of Debts by Executors or Administrators, with the Amendment, was read the third Time, and agreed to.

Resolved, That the Bill do pass.

Ordered, That *Isaac Taylor* do present the same to the Governor for his Concurrence;

And then the House adjourned till three a Clock this Afternoon.

Post Meridiem.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Isaac Taylor reported, that he delivered the Bill to the Governor according to Order.

David Lloyd presented to the House the Address ordered to be drawn up, which he read, and after delivered to the Speaker; and, after an Amendment, the same was agreed to by the House, and ordered to be signed by the Speaker, and presented to the Governor, and is as follows, *viz.*

To WILLIAM PENN, absolute Proprietary, and Governor in Chief, of the Province of *Pennsylvania, &c.*

The humble ADDRESS of the Freemen of the said Province in Assembly met at *Philadelphia*, the 12th Day of the Eleventh Month (January) 1705-6.

May it please the GOVERNOR.

AS *the large Experience of thy continued Care to preserve the Inhabitants of this Province in their Rights and Privileges, lays us under the strictest Oligations to return thee our most hearty Thanks, so we crave Leave further to apply ourselves unto thee in this weighty Affair of Supplicating the Queen on our Behalf, for her Royal Assent to those necessary and useful Laws herewith remitted, being enacted this present Sessions by the Authority of thy worthy Lieutenant Governor, and General Assembly of this Province.*

We doubt not but thou art sensible of the many Difficulties we labour under, by Means of the late Order touching Oaths; and do earnestly desire thy special Endeavours and best Interest may be employed in the negotiating our Affirmation Act, which is proposed as an Expedient, and we hope will prove effectual, to obviate the like Inconveniences for the future, and state those of our Persuasion in a due Capacity with others to serve our Queen and Country.

The Attorney General's Objections to former Laws, which thou wert pleased to favour us withal, have been duly considered by this Assembly, most of which being agreeable to our Constitution, are amended accordingly; and we hope (if none of those be found inconsistent with the Royal Grant) may obtain a favourable Construction; but where any Objection do arise, we pray the Continuance of thy Care, in timely apprising us of the same: And further, our humble Request is, that we may be by thee favourably represented to the

Queen and Ministry at Home; and that a candid Construction may be put upon all our Proceedings as being the Queen's loyal Subjects, and thy true Friends.

Signed, by Order of the Assembly,
JOSEPH GROWDEN, Speaker.

Ordered, That *Samuel Cart*, and *John Bennet*, do wait upon the Governor, and acquaint him, that this House hath something to lay before him, when he will please to receive the same.

Who returned, and acquainted the House, that they delivered their Message to the Governor according to Order; and that he was pleased to tell them, that he was ready to receive any Thing this House shall have to communicate to him.

The Committee appointed to draw up the Address to the Governor, presented to the House an Amendment by them drawn up, to suit the Governor's Objection to the Bill about the Affirmation, as near as may be, which was read, and, after an Amendment, agreed unto by the House.

Ordered, That *Richard Hill*, *David Lloyd*, *Samuel Carpenter*, and *Caleb Pusey*, with as many Members as are willing, do present the said Address to the Governor, together with the Bill about the Affirmation.

And then the House adjourned until nine a clock tomorrow morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Richard Hill reported, that they delivered the Address to the Governor according to Order; and that the Governor was pleased to say, he would take the same into Consideration.

Jeremiah Langhorne (according to Order) presented to the House an Address to be presented to the Governor, for removing the Sitting of Assembly into the Counties, which was read:

Ordered, That the same be waved at present.

The Governor's Amendments to the Bill for preventing Lawsuits coming under Consideration of the House, after some Debate, it is

Ordered, That the further Consideration thereof be referred till the next Session of this Assembly.

A Message from the Governor by *John Guest*, and *James Logan*, "That the Governor had proposed his Amendments to the Bill about the Affirmation; and that he cannot pass the Bill about religious Meetings, *&c.* by reason he cannot be

satisfied about the same; but desires it may be deferred till the next Sitting of this Assembly; and that he desires the House to attend him in Council, at three a Clock this Afternoon to consider of what may be further necessary to be done before the Close of this Session" and the said *James Logan* added, the Governor had proposed an Amendment to the Recording Bill, to compel all old Patents to be recorded.

The House entered upon the Consideration of the Governor's Amendments to the Affirmation Bill, and, after some Time therein,

Ordered, That *Richard Hill* do carry the same back to the Governor, and acquaint him, that this House desires to alter his Amendment from the first of *October*, to the first of *September;* and that the House agree to put out the Attest of Lawyers;

And then the House adjourned till two a Clock this Afternoon.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Richard Hill reported, that he delivered the Bill about the Affirmation to the Governor, and that he consented to leave a Blank for the Time of the Bill's taking Force.

Resolved, That this House will attend the Governor, pursuant to his last Message to this House.

Ordered, That the Speaker do acquaint the Governor, that this House do incline to adjourn till the twentieth of *September* next;

And then the House adjourned to the Council-chamber.

At the Council-chamber.

The Governor proposed an Amendment to the Bill for raising the Supply; about the Ordering the Payment of the Provincial Debts; and after some Debate,

Resolved, That the Governor be humbly requested to pass the same as it is.

David Lloyd reported, that in examining the Laws, they find in the enacting Clause of some of the Laws (Counties annexed) and in others (The Territories.)

Ordered, That the said enacting Clause, in all the Laws, be made by *John Evans*, Esq; *&c.* Lieutenant Governor, *&c.* of *Pennsylvania* and Territories.

The Speaker, with the House, being returned from the Council-Chamber:

The Speaker reported, that the Governor has been pleased to pass Fifty-one Bills into Laws, the Titles of which are as follows.

1. *The* Law *concerning Liberty of Conscience.*
2. *An* Act *against Murder and Manslaughter.*
3. *An* Act *against Burglary.*
4. *An* Act *against Robbing and Stealing.*
5. *An* Act *to restrain People from Labour on the First Day, &c.*
6. *An* Act *against Rape or Ravishment.*
7. *An* Act *against Incest.*
8. *An* Act *against Adultery and Fornication.*
9. *An* Act *against Bigamy.*
10. *An* Act *against Sodomy and Buggery.*
11. *An* Act *against Burning of Houses.*
12. *An* Act *against Drunkenness, and drinking of Healths.*
13. *An* Act *against riotous Sports, Plays and Games.*
14. *An* Act *against Riots, and Rioters.*
15. *An* Act *for limiting the Presentments of Grand Juries.*
16. *An* Act *for determining Debts under Forty Shillings.*
17. *An* Act *for further securing the Administration of the Government,* &c.
18. *An* Act *for Confirmation of Owners of Lands,* &c.
19. *An* Act *for concerning the Probates of written and nuncupative Wills,* &c.
20. *An* Act *directing the Order of Payment of Debts,* &c.
21. *An* Act *for the better Settling of Intestates Estates.*
22. *An* Act *for the Acknowledging and Recording of Deeds.*
23. *An* Act *to ascertain the Number of Members of Assembly,* &c.
24. *An* Act *for selling Beer and Ale by Wine Measure.*
25. *An* Act *for collecting of the Proprietary's Quitrents.*
26. *An* Act *about Departers out of this Province.*
27. *An* Act *for improving a good Correspondence with the* Indians.
28. *An* Act about *Attachments.*
29. *An* Act *for the Trial of* Negroes.
30. An Act *to prevent the Importation of* Indian *Slaves.*
31. *The* Law *about seven Years quiet Possession.*
32. *An* Act *for the Killing of Wolves.*
33. *An* Act *against mixing and adulterating strong Liquors.*
34. *An* Act *for Mariners not to be trusted.*
35. An Act *for County Seals, and against counterfeiting Hands and Seals.*
36. *An* Act *for Defalcation.*
37. *An* Act *for bailing of Prisoners, and about Imprisonment.*
38. *An* Act *for taking Lands in Execution for Payment of Debts.*

39. *An* Act *about Arrests, and making Debtors pay by Servitude.*
40. *An* Act *for the Relief of the Poor.*
41. *An* Act *for confirming the Sales of Lands by Attornies,* &c.
42. *An* Act *for the better Preservation of High-ways.*
43. *A Supplementary* Act *to that about raising County Levies.*
44. *An* Act *to prevent the Running of Swine at large.*
45. *An Act for collecting the Arrears of* Two Thousand Pounds, *&c.*
46. *An* Act *directing the Qualifications of Magistrates,* &c.
47. An Act *for regulating Elections of Sheriffs and Coroners.*
48. *An* Act *for better proportioning the Rates of Money,* &c.
49. Supply.
50, and 51. *Sales of Court-houses,* Bucks *and* Chester.

Ordered, That the Speaker, *David Lloyd, Samuel Carpenter, Isaac Norris,* and *Richard Hill,* do draw up an Address to the Queen, and another to the Proprietary, in order to obtain the Royal Sanction to our Laws passed this Session, and particularly that of the Affirmation;

And then the House adjourned till the Eighteenth of the Twelfth Month next, at Two a Clock in the Afternoon.

THE House met, and the Speaker assuming the chair, the Members were called over, and a Quorum appeared.

Ordered, That *Rowland Ellis,* and *Joshua Hoopes,* do wait upon the Governor, and acquaint him, that a Quorum of the Members are met, and that the House will adjourn till Nine a Clock To-morrow Morning; and accordingly the House

Adjourned till Nine a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Joshua Hoopes, and *Rowland Ellis,* reported, that they delivered their Message to the Governor according to Order.

The Members appointed the last Session to draw up the Addresses to the Queen and Proprietary, reported, that they had done nothing in that Affair.

The Addresses to the Queen and Proprietary, drawn by the last Assembly, were read.

Ordered, That *Samuel Carpenter,* and *Isaac Norris,* draw up an Address to the Queen about the Confirmation of our Laws, and particularly the Law about the Affirmation.

Ordered, The *Caleb Pusey,* and *Richard Hill,* do draw up an Address to the Proprietary, about the negotiating the Confirmation of our Laws.

Ordered, That *Edward Shippen*, and *Rowland Ellis*, do wait upon the Governor, and desire to know, if he has taken into Consideration the Bill about Religious Societies;

And then the House adjourned till three a Clock this Afternoon.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Edward Shippen reported, that he, with the other Member, delivered their Message to the Governor according to Order; and that the Governor was pleased to answer, that he had sent to Judge *Mompesson* to have his Opinion upon the Bill, but had not yet received an Answer; and that he thought to propose some Things to be put in a Supplement to the Supply Bill.

The Petition of *Joseph Antrobus* was presented to the House and read, desiring an Order for Payment of Money due to him for his Service as Clerk of the last Assembly.

Ordered, That the said Petition be considered along with others of the like Nature.

A Petition of *Elizabeth Saunders* of *Philadelphia*, Widow, was presented to the House, and read, praying Leave to bring in a Bill to enable her to sell some Part of her late Husband's real Estate for Payment of his Debts, and bringing-up his Children; and to convey a certain Lot in *Philadelphia* aforesaid, sold, but not conveyed by her said Husband in his Lifetime; and after some Debate, the Question was put, that Leave be given to bring in a Bill according to the Prayer of the said Petition? *It passed in the Negative.*

And then the House adjourned till Nine a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Samuel Carpenter, and *Isaac Norris*, presented to the House the Address ordered to be drawn up to the Queen, which was read, and committed.

Richard Hill (according to Order) presented to the House the Address ordered to be drawn up to the Proprietary, and the same was read, and considered:

Ordered, That the same be further debated this Afternoon.

And then the House adjourned till three a Clock this Afternoon.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

A Petition from *Thomas Makin*, with an Account underwritten, desiring an Order for Payment thereof, was presented to the House, and read:

Ordered, That the said Petition be considered along with others of the like Nature.

The Address to the Queen was again read, with the Amendment, and *passed in the Affirmative.*

Ordered, That the same be transcribed, signed by the Speaker, and sent by the first Opportunity.

The Address to the Proprietary was (according to Order) taken into further Consideration, and, after an Amendment, *it passed in the Affirmative*, N. C. D.

Ordered, That the same be transcribed, signed by the Speaker, and sent to the Proprietary by the first Opportunity.

Resolved, That the Sum of *Two Hundred Pounds* this Country Money, be allowed to defray the Charge of negotiating the Affairs of this Province, and getting the Laws confirmed.

Ordered, That the Treasurer, with the Advice of the Speaker, *Edward Shippen*, *Isaac Norris*, *William Carter*, and *Richard Hill*, or the major Part of them, do remit the same Home to the Proprietary in Bills of Exchange, or what else may be thought will turn to the best Account in *England*.

Thomas Story, one of the Council, in a Message from the Governor presented to the House some Proposals to be made as a Supplement to the Supply Bill; and further acquainted the House, that the Secretary, *James Logan*, had detained, and does detain from him the Laws, so that he cannot record them, make out Exemplifications for the Counties, nor perform such other Things as belong to his Office as Master of the Rolls, with respect thereof; and, after some Debate.

Ordered, That the Consideration of the said Complaint be deferred till *James Logan* be present.

Ordered, That *Richard Hill*, *Isaac Norris*, and *Caleb Pusey*, do draw up a Letter to the Proprietary, to desire his utmost Endeavours may be used, to get the Laws passed this Session confirmed, and to advertise him of the Money allowed for defraying the Charge thereof, with such other Things as may be thought fit;

An then the House adjourned till Nine a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Governor's Proposals relating to the Supply Bill, were read, and debated:

Resolved, N. C. D. That the same be laid aside, Time at present not permitting them to be gone through.

A Petition of several of the Inhabitants of *Blockley* Township, in *Philadelphia* County, relating to the Manner of assessing Freeholders, was presented to the House, and read:

Ordered, That the Consideration thereof be deferred till another Session:

And then the House adjourned till three a Clock this Afternoon.

Post Meridiem.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

A Petition of *Benjamin Wright*, late High Sheriff of the City and County of *Philadelphia*, was presented to the House, and read, setting forth the Occasion of his Suspension from the said Office, and praying to be re-invested therewith.

Resolved, That the Petitioner be left to take his Remedy at Law, for that the Matter contained in the said Petition, falls not properly under the Cognizance of this House.

Ordered, That *David Lloyd*, *Samuel Carpenter*, and *Caleb Pusey*, do over-look the Papers and Minutes of Assembly, and see what Accounts of Debt there are incumbent on the Province, and make Report To-morrow Morning.

A Message from the Governor by *John Guest*, and *Thomas Story*, two of Council, that the Governor thinks it proper that this House do address the Queen and Proprietary upon such Matter as this Occasion seems to require.

Isaac Norris, (according to Order) presented to the House a Letter, to be sent to the Proprietary, which was read, and agreed to, and ordered, to be signed by the Speaker, and sent to the Proprietary by the first Opportunity.

And then the House adjourned till Nine a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Ordered. That *Richard Hill*, and *Reese Thomas*, do wait upon the Governor, and acquaint him, that the House having considered his Proposals offered for a Supplement to the Law for raising the Supply, they find, on Perusal of the said Act, that some other Clauses therein may need Amendment, Explanation, and Additions which, with what is Proposed, will necessarily take up more Time than this House at present can conveniently spend in that Service, being desirous to adjourn soon, and return to their Homes; supposing also, that

the Difficulties of putting the said Law in Execution, nor other Inconveniences, for want of Amendment, so great, as that any considerable evil Consequence will follow for want of such Supplement Act.

That they also acquaint the Governor, that this House have, on such Subject Matter as they thought their Duty, addressed the Queen and Proprietary; and that the Thanks of this House is given to the Governor, for his Care in putting them in Mind thereof: That they request the Governor to send unto this House, the Reasons and Objections offered at the Council-board against the Law, "directing the Attestation of Officers, *&c.*" And to know, what Methods, the Governor will take about remitting the Laws Home, in order for Confirmation? Desiring also, that the Governor, in his Address to the Queen and Ministry at Home, will favourably recommend us, and our Proceedings, as being a People faithful and loyal to our Sovereign the Queen, and truly loving and respectful to our Proprietary, and the present Administration; and that this House desires the Laws may be forthwith recorded in the Rolls Office, as the Charter directs.

A Petition from several Coopers Inhabitants of *Philadelphia*, in Behalf of themselves, and others, was presented to the House, and read, praying Leave to bring in a Bill for the better Regulation of Casks and Timber:

Ordered, That Leave be given to bring in a Bill at the next Session of this Assembly.

A Petition from the Sabbath-keepers, was presented to the House, and read, and praying Relief against the ill Use which may be made of the Law for keeping the First Day of the Week.

And the Matter of the said Petition being considered, *Resolved*, that this House can find no Cause to alter the said Law, it being nearly according to the Law of *England*, and not persecuting any for religious Worship.

A Petition of several Inhabitants of *Moyamensing* Township, was presented to the House, and read, praying Leave to bring in a Bill for a Pound to be kept in the said Township:

Ordered, That the Matter of the said Petition be considered at another Session;

And then the House adjourned till three a Clock this Afternoon.

Post Meridiem.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

David Lloyd reported from the Committee appointed to inspect the publick Accounts, that they had made some Progress in that Business; but could not finish the same, till they see the former Treasurer's Books of Account.

The Speaker presented to the House a Petition, desiring his Salary, as Speaker, may be paid out of the Provincial Tax.

A Message from the Governor by *John Guest*, and *William Trent*, "That the Governor is very well satisfied with the Deference of the Supplement to the Supply Bill.

That he thinks it convenient, that the Address to the Queen and Proprietary be laid before him and the Council.

That he will take Care to remit the Laws Home by the first Opportunity.

That he will send the Objections made at the Council-board to the Affirmation Bill To-morrow Morning.

That he will recommend us favorably to the Ministry; And

That he will order the Recording of the Laws, with all convenient Expedition."

Resolved, By Majority of Voices, That the County out of whose Representatives the Speaker happens to be chose, shall pay his whole Salary of *Ten Shillings per* Day.

Edward Shippen (a Member of this House) and one of the Justices for this City and County, appointed to attend the Laying of the Assessment of the Tax of Poundage, granted in the Act for raising the Supply, informed the House, that the Assessors for this County, do unanimously and absolutely deny to take the Attest of them required by the said Act;

And then the House adjourned till Nine a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The House entered upon the Consideration of the Governor's last Message, with respect to the Addresses to the Queen and Proprietary.

Ordered, That *Caleb Pusey*, and *Samuel Cart*, do wait upon the Governor, and desire him to send the Objections made at the Council-board to the Affirmation Bill; and that they acquaint him, that this House incline to adjourn, but the Time is not yet agreed upon in the House.

Who returned, and reported, that they had delivered their Message to the Governor according to Order; and that the Governor was pleased to signify his Satisfaction to the Ad-

journment; and that they had brought the said Objections, which they delivered to the Speaker, and the same were read.

The Question was put, that the House do adjourn till the twentieth of *September* next? *It passed in the Affirmative.*

Ordered, That a Copy of the aforesaid Objections and Debates be sent to the Proprietary.

Ordered, That *Isaac Norris*, and *Nicholas Fairlamb*, do wait upon the Governor, and acquaint him, that this House will adjourn till the Twentieth of *September* next, and desires his Concurrence thereunto; and that he may see the Addresses to the Queen and Proprietary when he pleases; and that they inform him, that this House have appropriated *Two Hundred Pounds* of the Tax for negotiating the Laws.

Richard Hill presented to the House a Postscript to be added to the Letter to the Proprietary about the Affirmation Bill.

Isaac Norris reported, that they delivered their Message to the Governor; and that he was very well satisfied with the said Message in all its Parts.

The House entered upon the Examining the publick Accounts reported by the Committee appointed to inspect the same.

David Lloyd's Account for *Sixty nine Pounds*, *Five Shillings*, and *Four-pence*, due for Services done for the Assembly, was read, and allowed.

A Petition of *Patience Lloyd*, Widow of *Thomas Lloyd*, late Deputy Governor of this Province, was presented to the House, and read, praying to be allowed something upon Account of the said services of her said late Husband.

Ordered, That the Sum of *One Hundred Pounds* be paid by the Treasurer to the said *Patience Lloyd*, out of the Tax of Poundage.

The Question was put, that three Fourth only of such publick Debts as were contracted during the Conjunction of the Province and Territories, and for their joint Services, be paid by the Province? *It passed in the Affirmative.*

Thomas Story's Account for *Forty-two Pounds*, *Seventeen Shillings*, and *One Penny*, was read, and allowed.

Maurice Lisle, Clerk of this Assembly, delivered in his Account for *Thirty-three Pounds*, *Eleven Shillings*, due to him for his Service to this and the last Assembly, which was read, and allowed.

Thomas Makin's Account was read.

And then the House adjourned for Half an Hour.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Nicholas Rosogans, Door-keeper of this House, brought in his Bill, which was read; and allowed.

Ordered, That *Edward Shippen*, *Richard Hill*, *William Carter*, and *Caleb Pusey*, or any Three of them, be a Committee to inspect and examine the publick Accounts that have been allowed by this, or former Assemblies, and to discover what Part has been paid, and what remains due, and make Report to the Speaker, who is to issue his Warrant or Order to the Treasurer for the Payment thereof, in such Proportion as there is Money in Bank.

And the said Committee is to be very careful, not to allow any more than three Fourths (being the Proportion settled by Vote of the House) for all Debts contracted in Conjunction with the Territories; as also, to receive and adjust any other new Accounts of Debt that shall appear to be due from the Province: And that the said Committee have power to enquire into the Arrearages of any former Taxes that may be in the Hands of any of the respective Treasurers, or Collectors, and to send for persons and Papers; and they are to make Report of their Proceedings to the next Sitting of this Assembly: And that the Committee do take Care to send Duplicates of the Addresses to the Queen and Proprietary, and of the Address to the Lieutenant-Governor, and of the Minutes of the Conference about the Affirmation Law, to the Proprietary, by the first Opportunity; and that the said Committee may procure themselves a Clerk at the publick Charge.

Ordered, That the said Committee, or some of them, do shew the Addresses to the Queen and Proprietary to the Lieutenant Governor, before they be sent off.

Ordered, That *Edward Shippen*, *Samuel Carpenter*, *Richard Hill*, and *Isaac Norris*, do wait upon the Governor, and, in the Behalf of this House, request him to be satisfied with the Submission made to him by *William Biles*, a Member of the last Assembly; and that he may be pleased to put a Stop to further Proceedings in *Philadelphia* County Court against the said *Biles;* and then the House

Adjourned till the Twentieth of *September* next, at Two a Clock, P. M. The 24th of the *Fourth Month*, 1706.

THE House met (pursuant to the Governor's Summons to meet this Day at *Philadelphia*) and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Ordered that *William Carter* and *Nathaniel Newlin* do wait upon the *Governor* and acquaint him that a quorum of the

Members are met and desire to know what business he has to communicate to this House?

Who returned and acquainted the House that they had been at the *Governor's House* but that he was not at home;

And then the House adjourned til Eight a Clock tomorrow Morning.

The House met, and the Speaker assuming the *Chair* the members were called over and a quorum appeared.

Ordered, That *William Carter*, and *Nathaniel Newlin*, do wait upon the Governor, and acquaint him that the House is met, and desire to know if he has any Thing to communicate to them?

Who returned, and acquainted the House, that they had waited upon the Governor, and delivered their Message to him according to Order; and that he was pleased to answer, that as soon as he could call his Council together, he would inform the House what he had to lay before them.

Thomas Story (one of the Council) in a Message from the Governor acquaints the House, that the Governor desires to speak with this House at the Council-chamber immediately.

Whereupon the House went to wait upon the Governor; and being returned,

The Speaker reported, that the Governor had made a Speech to this House, and that he had been pleased to deliver him a Copy thereof, which was read, and is as follows.

GENTLEMEN,

"THE manifest Danger with which all these her Mayesty's Colonies in *America* are at this Time threatened, from a powerful and active Enemy, has with great Reason alarmed every Government round us, and put them upon taking the Best Measures they can find practicable for their Defence; and as this Province makes a Part of her Majesty's Dominions, and is peopled with her Subjects, whose Lives and Fortunes are of great Concernment to her Majesty, I think myself obliged, by the Trust reposed in me, as well by her most sacred Majesty, as by the Proprietary, to use the same Care and Endeavours for their Safety that can be used in any other of her Majesty's Governments, otherwise I should be inexcusable, now at a Time, especially, when the Ruin of at least two of our Islands, and their Inhabitants, have taught us what we have to fear.

Since my Arrival here, Gentlemen, I have done all in my own Power to raise and regulate the Militia to the best Advantage that the Circumstances of the Place would bear; but

it has manifestly appeared, that 'this, without the Concurrence of the whole Country by a Law, will not be effectual; besides, that some Place of Security, in case of an Attack, will be of the same Necessity here, that it is found in all other Towns in her Majesty's Dominions that lie exposed to an Enemy.

That you might have an Opportunity of considering these Things, and that we might all contribute to the best of our Power to make a suitable Provision after the Example of the rest of her Majesty's Subjects, is the Occasion of your being now called together. The Matter is of great Importance; and though I am sensible, that with you it may carry some Difficulties with it, yet I would willingly hope, that upon a close Application of your Thoughts, some Measures may be found to render all her Majesty's Subjects here as safe and easy in Point of Defence, as in the rest of her Majesty's Dominions."

June 25, 1706. JOHN EVANS.

Ordered, That *David Lloyd*, *Samuel Carpenter*, *Richard Hill*, and *Isaac Norris*, do draw up an Address in Answer to the Governor's Speech, and bring the same to the House To-morrow Morning.

And then the House adjourned till Ten a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

David Lloyd (according to Order) presented to the House the Address ordered to be drawn up in Answer to the Governor's Speech, which he read in his Place, and after deliver'd the same to the Speaker; and the same being again read, was agreed unto by the House, and ordered to be signed by the Speaker, and presented to the Governor, and is as follows.

The humble ADDRESS of the House of Representatives of the Province of *Pennsylvania*, presented to the Lieutenant Governor, in Answer to his Speech to this House upon the 25th Day of the Month called *June*, 1706.

May it please the Governor,

WE *the Representatives of the Freemen of this Province of* Pennsylvania *in Assembly met, having taken into our serious Consideration thy Speech to us the Twenty-fifth Instant, whereby is intimated how the Danger which these Colonies are threatened with has alarmed the Governments round us, and put them upon such Measures as they find practicable for their Defence, as thou art pleased to represent it; but we beg leave*

to observe, that what some of the neighbouring Colonies, which are under the immediate Direction of the Queen, and of long Standing, of great Estates, and bring vast Revenues to the Crown, have found practicable upon that Emergency, as running their Vessels up the Rivers as far as they could into the Country, may be done here: Nevertheless, we understand, that in the Time of the late false Alarm, several of the Inhabitants of this City, when they endeavoured to secure some of their Goods, by sending them up the River, and out into the Woods, were threatened to be shot by such as pretended to stand in the Defence of the Place; which we cannot but resent, and earnestly desire the Governor may be pleased to cause them, as well as those who brought up that false Report from Newcastle, *to be brought to condign Punishment.*

We have lately raised a considerable Sum of Money for Support of this Government, and to pay the Debts of the Province, which, by reason of the Failure of Crops the last Year, and the thin Appearance this, together with the Decay of Trade, Losses by Sea, and great Scarcity of Money, will certainly be heavy enough for the present upon the People, many of them being poor, and in Debt; but, if it were not so, we are informed, that a regular Fortification here, would cost more than can be possibly raised, considering the Situation of this Town is between two navigable Rivers, and open to Land Marches besides; and we hope we are not in much Danger of the Enemy, considering our Remoteness from the Sea, and Difficulty of Access.

But if a proper Situation could be found, and a Fort built, before the Country be capable to maintain and keep it, the Consequence may prove very prejudicial to the Queen's Interest, and hazardous to her Subjects, which probably may be the prevailing Reasons why the Queen's Colonies in Virginia, *and* Maryland, *which are far more antient Settlements than ours, have no Fortifications, as we know of, to this Day; therefore, we hope that nothing shall prevail to render us more obnoxious to the Queen than our Neighbors, and her Subjects less secure with us than with them.*

We find upon this short View of thy Speech, that it contains Matter of great Weight, and requires more Time and closer Application than our present Circumstances can well admit, in regard the Season of the Year requires most of us at our Harvest, upon which the Support of ourselves and Families so much depends; therefore we desire that the Governor would be pleased to excuse our further Attendance at this Time, and

accept of this for present Answer, and represent us candidly to the Queen, whose Care over us, as well as the neighboring Colonies, we are deeply sensible of, and shall study to approve ourselves her faithful Subjects to the utmost of our Ability,

Signed, by the Order of the House,
Joseph Growdon, Speaker.

James Logan (the Secretary) presented to the House some Letters lately received from the Proprietary.

The Governor's Speech was read again.

The Proprietary's Letters to *James Logan* were read;

And then the House adjourned till Three a Clock this Afternoon.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Ordered, That *Edward Shippen*, and *Richard Hill*, do wait upon the Governor with the Address; and also acquaint him, that this House incline to adjourn till the Twentieth of *September* next.

Who returned, and acquainted the House, that they delivered their Message to the Governor according to Order;

And then the House adjourned till Six a Clock.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

A Message from the Governor by *Griffith Owen*, and *James Logan*, to acquaint the House, that the Governor desires the House to adjourn till some Time in the Beginning of *August* next.

Maurice Lisle, Clerk of this Assembly, brought in an Account for *One Pound, Nineteen Shillings* for his Service, as Clerk, and other Services, and the same was allowed.

Ordered, That the clerk do search the Minutes of this, and the last Assembly, and certify the Number of Days of Service of the Members of both Assemblies to the Speaker, who is to issue his Orders for the Payment of their Wages.

Ordered, That *Nathaniel Newlin*, and *Joshua Hoopes*, do wait upon Governor, and acquaint him, that this House having taken into Consideration his last Message, do find that the Time of Adjournment by him appointed, will interfere with the Affairs of the Country Members; and therefore desire him to agree that this House be adjourned till the Twentieth of *September* next.

Who returned, and reported, that the Governor agreed to the Adjournment till that Time; and accordingly the House

Adjourned till the Twentieth of *September* next, at Two a Clock, P. M. The 19th of *September*, 1706.

THE Governor having summoned this Assembly this Day, the House met accordingly, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Ordered, That *Caleb Pusey*, and *Nicholas Fairlamb*, do wait upon Governor, and acquaint him, that the House is met, and desire to know what he has to communicate to this House.

Who returned, and acquainted the House, that the Governor will inform the House in a little Time what he has to lay before them.

A Message from the Governor by *James Logan*, that the Governor desires this House to attend him forthwith at the Council-chamber;

Whereupon the Speaker, with the House, went to attend the Governor at the Council-chamber; and being returned,

The Speaker reported, that the Governor has been pleased to signify to them the Reason of their being now called together, which was "To acquaint them, that several of the Laws of this Province are repealed: wherefore he thought convenient that this Assembly should consider of those Laws that are come back repealed, and those of them that were lately re-enacted; and particularly recommended to the Consideration of the House, the Re-enacting of the Laws for Regulation of Courts and Property; and that the Governor had delivered to him a List of those Laws repealed, under the Privy Seal."

Ordered, That *Caleb Pusey*, and *Richard Hill*, do wait upon the Governor, and acquaint him, that this House desires to know if the Reasons for the Repealing those Laws be sent over;

And then the House adjourned till Eight a Clock To-mororw Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Caleb Puscy, and *Richard Hill*, reported, that they had delivered their Message to the Governor according to Order; and that the Governor was pleased to inform them, that there were no Reasons come from the Queen, but that the Proprietary had sent some, which he designs to lay before this House.

Ordered, That *Edward Shippen* and *Samuel Carpenter*, do wait upon the Governor, and desire him to send to this House the Roll of Laws passed this Assembly.

Who returned, and reported, that they had been at the Governor's House, and that he was not at home; but upon Application to the Secretary he delivered them the Roll, which they delivered to the Speaker.

The Secretary brought to the House the Objections of the Lords of Trade, to some of the Laws repealed, which he delivered to the Speaker.

James Logan (one of the Council) in a Message from the Governor presented to the House a Bill for Regulation of Courts of Judicature in this Province; and also a Letter from Judge *Mompesson* to himself, which he delivered in at the Table, and the said Bill was read the first Time, and ordered a second Reading;

And then the House adjourned till three a clock this Afternoon.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

A Bill for Regulation of Courts of Judicature formerly presented to this House, was read, and after some time spent in the Consideration thereof, the House

Adjourned till Eight a Clock To-morrow Morning.

At Two a Clock, *Post Meridiem*, the House met, and the Speaker assuming the Chair, the Members were called over, and a quorum appeared.

David Lloyd presented to the House some Heads he had drawn up relating to the Regulation of Courts, which were read, and, after some Amendments, agreed to:

Ordered, That the same be transcribed, signed by the Speaker, and presented to the Governor.

Ordered, That *David Lloyd*, and *John Swift*, do present the same; and also desire the Governor to inform this House, what Result he has come to upon the Bill impowering Religious Societies, *&c.* to buy and sell Lands; and then the House

Adjourned till the Twenty third Instant, at Ten a Clock, A. M.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

David Lloyd reported, that he, with the other Member, presented the Resolves of the House relating to the Bill for Regulation of Courts to the Governor; and at the same Time desired his Answer to the Bill about Religious Societies, and the Bill of Property; and that the Governor was pleased to say, he would send his Answer to this Message To-morrow Morning.

And then the House adjourned till Ten a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

A Message from the Governor by *James Logan*, "That the Governor had taken into Consideration the Resolves of this House relating to the Bill of Courts; and also, that the Governor had proposed some Amendments thereto, which he read, and afterwards delivered to the Speaker; and further informed the House, that the Bill of Property being before this House, the Governor had not an Opportunity of considering thereof, but that he had sent two Copies thereof Home to the Proprietary, which, as he supposes, both miscarried."

Then the House resolved into a Committee of the whole House, to consider of the said Amendments, and, after some considerable Time spent therein, the Speaker resumed the Chair, and the House

Adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

David Lloyd reported from the Committee of the whole House appointed to consider the Governor's Amendments to the Resolves of this House relating to the Bill of Courts, that the Committee had come to several Resolves relating hereto, which he read in his Place, and after delivered the same in at the Table, where the same were read, and agreed onto by the House:

Ordered, That the same be signed by the Speaker, and sent to the Governor:

Ordered, That *Edward Shippen*, and *John Swift*, do carry the same; and that they do desire the Governor's Answer to the Bill for impowering Religious Societies to buy and sell Lands; and that they deliver Judge *Mompesson's* Letter to the Secretary.

Who returned, and acquainted the House, that they delivered their Message according to Order; and that the Governor told them, that the Bill about Religious Societies had not been upon the Board, but that he would take the same into Consideration.

Ordered, That *Samuel Carpenter*, and *Caleb Pusey*, do wait upon the Governor, and acquaint him, that the Charter obliging the Laws of this Province to be recorded forthwith after Publication, the House think fit that the same be delivered to the Master of the Rolls, in order thereto.

Who returned, and acquainted the House, that they delivered their Message according to Order; and that the Governor desires the Rolls of the Laws may be sent back to the Council-board, and that from thence they should be immediately sent to be recorded; and that he desires a Conference with the whole House upon his Proposals about the Bill of Courts, at three a Clock this Afternoon;

And then the House adjourned till Half an Hour past Two, P. M.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Ordered, That *Joshua Hoopes* do wait upon the Governor, and desire to know if he is ready to receive this House to the Conference.

Who returned, and informed the House, that the Governor will inform the House when he is ready to receive them.

A Message from the Governor by *James Logan*, that the Governor is now ready to receive this House.

Ordered, That the Speaker, *Samuel Carpenter*, *David Lloyd*, *Richard Hill*, *Caleb Pusey*, and *John Swift*, do manage the said Conference; but that any Member may speak as there may be Occasion.

Then the Speaker and the House went to the Conference, and being returned,

The Speaker reported, that the Governor at the Conference not being satisfied with the Resolves of the House about the Bill of Courts, recommended the same to their further Consideration.

Then the House resolved into a Committee of the whole House, to consider of the Governor's Proposals at the said Conference;

And then the House adjourned till a Eight Clock To-morrow Morning.

The Committee of the whole House met, and took into Consideration the Governor's Proposals about the Bill of Courts according to the Governor's Recommendation at the Conference, and, after some Time spent in the Debate thereof, the several Questions following were put, *viz.*

1. That the Quarterly Courts in each County shall have Jurisdiction of all Causes, Civil, and Criminal (except Felonies of Death) and their Judgments in Actions where the Debt or Damages is *Ten Pounds*, or under, shall be Definitive; and that there shall be Orphans Courts, in each County? *It passed in the Affirmative*, N. C. D.

2. That there shall be a Provincial or Supream Court, which shall have general Jurisdiction over this Province in all Matters of Law? *Resolved in the Affirmative.*

3. That the said Provincial Court shall be fixed in one Place? *It passed in the Negative.*

Resolved, N. C. D. That the House be moved to draw up an Address to the Governor upon the said Resolves; and then the Committee

Adjourned till two a Clock this Afternoon.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

David Lloyd reported from the Committee of the whole House appointed to consider of the Governor's Proposals about the Bill of Courts, that they had come to several Resolves relating thereto; and that the Committee had agreed upon an Address to the Governor upon the said Resolves, which he read in his Place, and afterwards delivered the same to the Speaker, and the same being debated, was agreed to, and ordered to be signed by the Speaker, and presented to the Governor.

The Minutes of the House being defective, in not having inserted the Message, the following Purport of it is extracted from the Council-Book.

At a COUNCIL *held at* Philadelphia, *the* 3*d of* October, 1706. *Present, the Honourable* JOHN EVANS, *Esq; Lieutenant Governor.*

Edward Shippen,	*James Logan,*	Esquires.
John Guest,	*Richard Hill,*	
Thomas Story,	*George Roche,*	
Samuel Finney,	*Joseph Pidgeon,*	

THE Governor informed the Board, that two Nights after the last Conference held with the Assembly, he received a Message from the House by four Members, *viz. Caleb Pusey, Richard Hill, David Lloyd*, and *John Swift*, representing to him, that the House had considered what had Pass'd at the said Conference, and has spent most of their Time since then in debating it; and they would have been extreme glad to have been able to go through with it, being fully sensible of the Necessity of it; and in general, had indifferently well agreed upon what had been proposed, but they found it would require much more Time to do it with such Accuracy as the Matter required than they had now to sit; that another Assembly was very near at Hand, who they hoped would

bring it to Perfection; and therefore they requested the Governor, that though they were very well satisfied that he had a full Power to establish these Courts by an Ordinance, yet, that for the Satisfaction of the Country where the Courts had always been hitherto held by a Law, he would defer the making of any such Ordinance till the next Assembly should have Time to take it into Consideration; and then they requested that that Assembly should be dismissed, which last he then granted them.

James Logan laid before the House two Accounts, one for Money disbursed upon Account of Treaties with the *Indians*, and more paid the Widow *Hamilton*.

And also an Account of his own Services as Clerk of the Council, *&c.*

David Lloyd presented to the House a Bill, intituled, *An Act for assigning of Bonds, Bills and Promissary Notes:*

Ordered, That the said Bill be laid aside, and read another Time.

Ordered, That *David Lloyd* have Leave to take a Copy of the Laws from the fair Draughts, and return the same to the House.

The first question put in the Committee for Quarterly and Orphans Courts in each County, was again put; *it passed in the Affirmative*, N. C. D.

The second Question, that a Provincial Court be held, and to have general Jurisdiction over the Province? *The Votes were equal.*

Ordered, That *David Lloyd*, *Samuel Carpenter*, *Richard Hill*, and *Caleb Pusey*, do wait upon the Governor and acquaint him, that inasmuch as the Time of the Continuance of this Assembly is almost expired, the House desire the Governor will please the making an Ordinance till the next Assembly, and that the Courts may be adjourned accordingly;

And then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

David Lloyd reported, that he, with the other Members, had waited upon the Governor according to Order, and had delivered their Message to him; and that he was pleased to answer, that he was necessitated to do something in Relation to settling the Courts, the County Court being adjourned till the eighth of the next Month, but that he would lay it before

the next Assembly; and that the Governor desired the House to take into Consideration the Bill for assigning Bonds, Bills, &c.

And the said Bill being (according to Order) read, *Ordered*, that the same be laid aside for that the Debate thereof would take up more Time than this House has to sit.

James Logan's Account, as Receiver General, was read and debated.

A Message from the Governor by *James Logan*, "That the Governor earnestly recomments to the Consideration of the House the Bill about Bonds, Bills, and Promissory Notes, to be assigned, in order to pass this Session, it being sent over by the Proprietary"?

The Resolve of the House upon the said Bill, in Presence of the said *James Logan*, was read, and he desired to acquaint the Governor therewith.

Ordered, That the further Consideration of the said *James Logan's* Account relating to Disbursements upon *Indian* Treaties, be deferred to the next Assembly, this House not being fully satisfied therewith, nor having Time to consider thereof.

James Logan's Account (as Secretary) was read.

Maurice Lisle, Clerk of this Assembly, presented his Note for *Three Pounds, Twelve Shillings*, for eleven Day's Attendance, and other Service, and the same was allowed.

The Question was put, that the Clerk of this Assembly do draw out a Copy of those Laws that are returned from *England* confirmed, and Copy of those enacted this Assembly, and deliver the same to the Speaker to his own Use, as a Gratuity for some particular Services? *It passed in the Affirmative*, N. C. D.

The Question was put, that the Clerk be allowed the Sum of *Seven Pounds, Ten Shillings*, for the said Copy, to be paid by the Treasurer out of the Tax or Impost? *It passed in the Affirmative*, N. C. D.

And then the House adjourned till Three a Clock this Afternoon.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

James Logan's Account, as Secretary, was read, and the Question being put, that the said Account be allowed? *It passed in the Affirmative.*

Thomas Makin's Account for *Seventeen Pounds, Seven Shillings*, and *Six-pence*, was read, and the Question being put, that *Thirteen Pounds* be allowed to be paid by the Province

out of the first Monies that shall be raised of the Tax and Impost, and he is to have Liberty to get what he can from the Lower Counties? *It passed in the Affirmative.*

Ordered, That *Caleb Pusey*, and *Reese Thomas*, do wait upon the Governor, and inform him, that the Treasurer informs the House, that the Tax of Poundage, especially in the Counties, comes into his Hands very slowly; and therefore the House desire him to put the respective Sheriffs upon their Duty in collecting it; and also inform him, that this House incline to break up To-night, in order to go home To-morrow Morning.

Who returned, and reported, that they delivered their Message to the Governor according to Order.

Patrick Robinson's Account was read, and allowed *One Hundred* and *Ten Pounds*, *Six Shillings*, and *Five-pence*, being three Fourths, for Service done to former Assemblies, in Conjunction with the Territories.

Then the Speaker desired the House to move, if any further Business were to be done this Session; but no Business appearing, the House dismissed themselves.

To our Gracious Queen ANNE, of *England*, *Scotland*, *France*, and *Ireland*, *&c.*

The humble ADDRESS of the Representatives of the Province of *Pennsylvania*, convened in Assembly at *Philadelphia*, in Behalf of the People called *Quakers*, this twelfth Day of the Eleventh Month *January* 1705-6.

In all humble Manner sheweth,

THAT *the late King* Charles *the Second*, *by his Royal Charter*, *did grant to our Proprietary and Governor*, William Penn, *this Tract of Land called* Pennsylvania, *being at that Time very little cultivated*, *and the Inhabitants few*, *and mostly made up of* Dutch, Swedes, *and* Finns, *whose Manner of Living had little Tendency of Advantage to the Crown of* England.

That upon the Encouragement of the said Charter, and in hopes of enjoying the Liberties and Immunities thereby granted to the Adventurers, a considerable Colony of them the said People, with some of other Persuasions, came over hither, and have industriously endeavoured the Improvement of a Wilderness.

That since the first Settlement several Persons, differing from them in religious Matters, have thought fit to inhabit this Province (and) by the Blessing of God on their Joint Endeavours, have further advanced this Part of thy Domin-

ions) and become joint Sharers in the Administration of the Government, which was carried on without Oaths, the taking or administring whereof, has always been against their religious Persuasions; but instead of Oaths, the Obligations were the solemn Attestations enjoined by the Laws of this Government.

But we have laboured under some Difficulties since the Publication of thy Royal Order in Council, dated the 21st of January, 1702, *requiring all Persons, who in* England *are obliged, and are willing, to take an Oath in any publick or judicial Proceedings to be admitted so to do by proper Officers and Judges, in Default of which, or in case the said Judges should refuse to administer the said Oath, then their Proceedings to be null and void; which Order, we humbly conceive to be the intent of thy Royal Favour towards us; but, in regard the greatest Number of Inhabitants of this Province cannot administer Oaths, nor be Parties thereunto, there is apparent Danger of Failure of Justice.*

May it therefore please the Queen to take the Premises into thy tender Consideration, and graciously to confirm the Law, intituled, An Act directing the Qualifications of all Magistrates and Officers; as also the Manner of giving Evidence; *which is humbly offered and laid before thee for thy royal Approbation; which Act of Clemency and Indulgence, shall be thankfully acknowledged, and we shall always study to approve ourselves thy sincere, loving, and obedient Subjects.*

Signed, by Order of the Assembly,
JOSEPH GROWDON, Speaker.

VOTES *of the* Assembly.

At an ASSEMBLY, *held in* Philadelphia, *the Fourteenth Day of* October, 1706.

THE Representatives of the Freemen of the Province of *Pennsylvania*, being accord (ing) to Charter elected upon the first Day of this instant *October*, and the Sheriffs of the respective Counties having by Indentures returned into the Secretary's Office the Names of all the Members, being called over, a Quorum of them met this Day at *Phialdelphia*, and chose *David Lloyd* Speaker of this Assembly.

Philadelphia *County.*	Bucks *County.*	Chester *County.*
David Lloyd,	*John Swift,*	*Samuel Levis,*
Speaker.	*William Paxton,*	*Richard Hayes,*
Joshua Carpenter,	*Joshua Hoopes,*	*Francis Chadds,*
Robert Jones,	*Henry Paxton,*	*Joseph Baker,*
John Roberts,	*Samuel Dark,*	*Evan Lewis,*
Griffith Jones	*Thomas Hilborne,*	*John Hoodt,*
Samuel Richardson,	*Ezra Grosdale,*	*George Pearce,*
Joseph Wilcox,	*Thomas Harding,*	*William Garrett.*
Francis Rawle.		

City of Philadelphia.

Francis Cook. *William Hudson.*

Ordered, That *Samuel Richardson,* and *John Swift,* do wait upon the Governor, and acquaint him, that a Quorum of the Members are met, and desire to know when he will please to be attended upon by this House.

The said Members returned, and acquainted the House, that they delivered their Message to the Governor according to Order; and that he had told them he would call his Council To-morrow at Nine a Clock, *Ante Meridiem,* and then will inform the House when he is ready to receive them.

Ordered, That *William Hudson,* and *William Paxton,* two Members of this House, do go to *Joseph Growdon,* Speaker of the last Assembly, and receive of him all the Minutes and Papers belonging to former Assemblies, according to an Order of this House, signed by the Speaker.

Who returned, and brought the same to the House;

And then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared; but *Joseph Wilcox,* and *Francis Rawle,* appeared not.

The Speaker, together with all the Members present, took and subscribed the Declarations and Profession of Faith prescribed by the Law, intituled, *An Act to ascertain the Number of Members of Assembly, and to regulate the Elections in Manner and Form as the said Act Directs.*

Ordered, That *Griffith Jones,* and *John Swift,* do acquaint *Francis Rawle,* that this House do require his Attendance at this House at two a Clock this Afternoon, to render his Reasons for his not appearing according to the Sheriff's Return.

Ordered, That *Joshua Hoopes,* and *Ezra Crosdale,* do wait upon the Governor, and desire to know if he is ready to re-

ceive this House, according to his Answer to a Message from this House Yesterday.

The said Members returned, and acquainted the House, that the Governor is sitting in Council, and desires the Attendance of the House immediately at the Council Chamber.

And then the House went to wait upon the Governor, and to present their Speaker, and being returned,

The Speaker reported that the Governor had made a Speech to this House, and that he was pleased to deliver him a Copy thereof, which was read, and is as follows.

GENTLEMEN,

"Having about two or three Months ago received from the Proprietary an Order of the Queen in Council, repealing divers of our Laws, principally for the Reasons given by her Majesty's Attorney General, which were laid before the Assembly last Year; I thought It to call together that Assembly then in Being, on the Eighteenth of the last Month, to provide especially for the Establishment of Courts of Judicature in this Province by a Law, the former for that Purpose being among the others repealed.

But that Assembly finding themselves straitened in Time, and believing the Matter of too high Importance to be precipitated, requested I would refer the Consideration of it to this present Assembly; and that notwithstanding, by the Royal Charter to the Proprietary, I stood invested with sufficient Power to establish all necessary Courts by an Ordinance, I would yet defer it till your Meeting, that the Courts might rather be settled by a Law, as it formerly has been, than by any other Means.

For these Reasons, I have caused the Courts to be adjourned again; and I have further, with the Council, ordered a Bill to be drawn up by those skill'd in the Law in this Place, upon certain Heads resolved on by the Council, and, as far as we could find, not disagreeable to the Sentiments of the late Assembly, who had the Matter under Consideration.

This Bill I recommend to you, and desire you, before all other Things, to proceed upon with all possible Dispatch and (Expedition, that the Governor may no longer remain in the Condition it now is, under a full Stop to the Current of Justice by Way of Judicature, for want of the Necessary Courts to administer it: And further, that while you are about so good a Work, you would make Provision for the Encourage-

ment of a Chief Justice, whom you will find to be of such absolute Necessity for the Good of the Publick.

The worthy Gentleman now in Commission will easily determine your Choice; and there wants only your Encouragement to him, to make this Government as happy in the Administration of Justice, as such an Officer can render it.

What other Laws have been repealed, and not re-enacted by the last Assembly, will also require your Thoughts and Care; and for other Matters, I shall generally leave them to your own Consideration, only that I must recommend to you, to take effectual Care that all the just Debts of the Country be discharged. The last Assembly have made considerable Advances towards this necessary Work, but it is not to be thought they could finish it; it was fit it should be done gradually, and that the Weight of the Whole should not lie upon the Election of one Year only.

You will find, on due Consideration, Gentlemen, that this very highly concerns the Honour of the Publick: If publick Faith and Credit be considered, as in well regulated States, it is much above any Particular; for Injustice in the Publick is more grievous than it can be in any private Member; for here the Law finds Relief; but there none but Patience under the Oppression.

I mention this, Gentlemen, with the more Earnestness, because the Necessity of considering this in the last Assembly, hath brought the Matter more fully in View; and though they have done their Part, yet you will doubtless find some Things remaining that will be incumbent upon you to provide for, one of which I must particularly recommend to you; That you would take Care to oblige each particular County in the Province to discharge their Debts alike, the Want of which, hath been long a crying Grievance in this Government, and particularly in this the Capital County of the Place.

Thus Gentlemen, having given you sufficient Instruction to Proceed to the Dispatch of what I have laid before you, I am to acquaint you, that To-morrow Morning I am obliged to set out for *Newcastle*, where my Stay will be very Short, and I shall return to you again, and hope I shall find considerable Advances in the Bill for the Regulation of Courts, which is already so prepared, as will very much shorten your Work, which I again desire may be the first.

Unanimity is so necessary to Dispatch, that I cannot forget always to recommend it to you, and hope you will use it

in all your Consultations, and you shall not fail of my Concurrence with you for the Publick Good."

The Governor also delivered to the Speaker a Bill for the Regulation of Courts, which was ordered to be read in the Afternoon.

Resolved, That the House will immediately proceed upon the Consideration of the Bill for Regulation of Courts, and of a Method for discharging publick Debts of the Province, pursuant to the Direction of the Governor's Speech.

Ordered, That the Rules and Orders of the House be read: Which was done accordingly.

Then the House proceeded to take into Consideration the Bill for Regulation of Courts, recommended by the Governor, which was read, and ordered to be read again To morrow Morning.

And then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The House proceeded further in the Consideration of the Bill proposed by the Governor for the Regulation of Courts; and for the more easy and effectual proceeding therein, the Clauses in the Royal Charter to the Proprietary, and Governor in Chief of this Province, relating to Ordinances, and Courts of Judicature, were read;

And then the said Bill was read a second Time.

Ordered, That *William Hudson*, *John Swift*, and *William Paxton*, enquire of the Secretary, whether the Objections of the Attorney General, or Board of Trade, occasioning the Repeal of the late Law for Regulation of Courts, be come to his Knowledge by private Letters, or otherwise? for that this House is now entering upon the Debate of the Bill for Regulation of Courts.

Ordered, That they deliver the Resolves of the last Assembly, together with the Governor's Proposals about the said Bill, to the Secretary.

Who returned, and reported, that they had enquired accordingly; and the Secretary acquainted them, that there are no Reasons for the Repeal of the said Law come to his Knowledge by Letter, or otherwise, directly nor indirectly.

Whereupon the House considering the said Answer, and that it was very probable that the said Law was repealed for having been enacted in Conjunction with the Three Lower Counties, which was observed to be a Reason for the Repeal of other Laws; and withal taking into further Consideration,

that in the Bill sent by the Governor, the Court of Equity is proposed to be in the Governor and Council, which, with some other Parts of the said Bill, seemed not so consistent with the Charter of Privileges, nor so well adopted to this Province, as divers Parts of the Former Law: And also, that the Governor, and the Representatives of the said Lower Counties, had found some Part of the said Law so very convenient and well suited to the Capacities and Circumstances of the People there, than an Act was lately pass'd very agreeable thereto, in several Branches of it.

Resolved, That this House will To-morrow Morning, at Nine a Clock, resolve into a Committee of the whole House, to enter upon Consideration of a Bill for Regulation of Courts in this Province, wherein such Parts of the Bill sent by the Governor, and Branches of the former Law, as the House shall judge agreeable, and can be well adapted to the Circumstances of the People of this Province, shall be inserted; and of a Method for paying the publick Debts.

And then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

A Petition of *John Budd*, Sheriff elect of the City and County of *Philadelphia*, was presented to the House, and read, and ordered to be read again.

Then the House (according to the Order of Yesterday) resolved into a Committee of the whole House, to consider of the Bills for Regulation of Courts, and paying the Publick Debts; and, after some Time spent therein, the Speaker assumed the Chair, and *Joseph Wilcox* reported from the said Committee, that they had made some Progress therein, and that the Committee had directed him to move the House for further Time to proceed in the Consideration of the said Bills.

Resolved, That this House will, at Nine a Clock To-morrow Morning, resolve itself into a Committee of the whole House, to consider further of the said Bills.

And then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Ordered, That *Joshua Carpenter*, *Francis Rawle*, *William Hudson*, and *Robert Jones*, be a Committee to inspect the Publick Accounts; and that *Griffith Jones* and *Joshua Carpenter*, go to *John Finney*, and *Samuel Holt*, Collectors, and *Samuel*

Carpenter, Treasurer, and acquaint them, that this House require them to bring in to the Committee their respective Accounts of the Publick Money come to their Hands, or that is yet uncollected, and not paid to the Treasurer.

Then the House resolved into a Committee of the whole House, to proceed in the further Consideration of the said Bill; and, after some Time spent therein, the Speaker assuming the Chair, and *Joseph Wilcox* reported from the said Committee, that they had made further Progress in the Consideration of the said Bill, and that the Committee had directed him to move the House for further Time to proceed therein.

Resolved, That this House will resolve itself into a Committee of the whole House to proceed in the further Consideration of the said Bill, at Nine a Clock To-morrow Morning;

And then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Petition of *John Budd*, Sheriff elect of the City and County of *Philadelphia*, was again read, and debated; but other Matters of Moment presenting, the same was referred to further Consideration.

Ordered, That *Joseph Wilcox*, and *Francis Rawle*, do go to the Treasurer, and Collector of the Impost, and enquire if their Accounts be ready; and order the Treasurer to bring in what Orders he has from the Speaker of the late Assembly, for the Payment of any Publick Money.

The said Members returned, and acquainted the House, that the Collector of the Impost is under great Indisposition, and that the Treasurer, by reason thereof, cannot make up his Accounts with him; but will bring the late Speaker's Orders to the House forthwith.

And then the House, according to Order, resolved into a Commitee of the whole House, to proceed in the further Consideration of the Bills for Regulation of Courts, and paying the Publick Debts; and, after some Time spent therein, the Speaker assumed the Chair, and *Joseph Wilcox* reported from the said Committee, that they had made some considerable Progress in the Consideration of the said Bills, and had agreed upon several Resolves, which they had directed him to report to the House, which he read in his Place, and afterwards delivered the same at the Table, where being read, they were agreed unto by the House, and are as follows.

Resolved, That there shall be holden and kept a Court Record, twice in every Year, in every County of this Province, which said Court shall be called and stiled, *The Supream or Provincial Court of the Province of* Pennsylvania; and that three Persons of Integrity and Ability shall be Judges of the said Court, by distinct Commissions from the Governor under the great Seal; one of which Judges shall bear the Name of Chief Justice, and every one of them shall have full Power and Authority, as often as there may be Occasion, to issue forth Writs of *Habeas Corpus*, *Certiorari*, Writs of *Error*, *Prohibitions*, *Injunctions*, *Audita Quaerela*, and all remedial, and other Writs and Precepts, excepting the original Writs and Process, which (by the respective Justices or Magistrates herein after mentioned) are to be granted; and shall have full Power to hold the said Supream Courts, of this Province herein after mentioned; and also correct and punish the Contempts, Omissions, Corruptions and Defaults, of Justices of the Peace, Sheriffs, Coroners, Clerks, and other Officers, within this Province; and shall grant Writs of *Mandamus* and *Restitution*, to relieve Persons unjustly disfranchised in any County or Town Corporate, and all other Process usually granted by the Court of Queen's Bench in *England;* and shall award Process for levying as well of such Fines, Forfeitures and Amercements, which shall be estreated into the said Supream Courts, as of those that shall be last taxed and set there; and generally shall minister common Justice, according to the Laws and Usages of this Province.

Resolved, That the said Judges shall appoint a fit Clerk of Prothonotary of the said Courts, who shall keep his Office in the City of *Philadelphia*, and shall prepare all the Writs and Precepts grantable by the said Judges.

Which Writs and Precepts shall be granted and directed into any County of this Province, as Occasion shall require, and shall be made in the Name and Stile of the Queen, her Heirs, and Successors, and bear Test in the Name of the said Chief Justice for the Time being; provided none of the said Writs, except Writs of Error, shall remove any Indictment, Presentment, Cause, Plaint or Plea, into the said Supream Court, before Judgment given thereon in the Inferior Court, where the same shall be depending.

Resolved, That a Court of Equity shall be held by the said Judges in every County of this Province, which shall hear and decree all such Matters and Causes, as by Appeals from the Inferior Courts shall come before them; and shall revoke, make void, alter or confirm, such Decrees, Sentences, Acts and

Proceedings, of the said Inferior Courts, as shall be found to be unjust or erroneous, and make such Decrees, and take such Order therein, as shall be agreeable to Equity and Justice; and to compel and force Obedience to their Decrees by Imprisonment of Bodies or Sequestration of the Lands of such as shall not comply with and obey the same.

But shall not be obliged to go to hold Courts in the Counties of *Chester* and *Bucks*, but when there shall be some Writ or Writs of Error, Appeals, *&c.* which shall require their coming, whereof the Clerk or Prothonotary shall give them Notice.

Provided always, that no Judgment, *&c.* shall be so final, but that the Party grieved may appeal to the Queen, having first deposited the Sum or Sums recovered, or giving sufficient Security, by Recognizance, to the Party for whom the Judgment is given, in double the said Sum, conditioned to prosecute his said Appeal within eighteen Months after.

Resolved, That there shall be a Court, stiled, *The General Quarter-Sessions of the Peace, and Goal-delivery*, holden and kept four Times in every Year, in every County of this Province; and that a competent Number of Justices be commissioned by the Governor, or his Lieutenant for the Time being, under the Broad-Seal of this Province; any three of which Justices, shall have Power to hold and keep the said Courts, who shall minister common Justice, and do, exercise, hear and determine, all Things within the said respective Counties and Limits of their Commissions and Authorities, as near as conveniently may be to the Laws of *England*, and according to the Laws and Usages of this Province, as fully and effectually as any Justices of Assize, Justices of *Oyer* and *Terminer*, or of Goal-delivery, or Justices of the Peace, may, or can do.

But that the said Justices, in their Sessions, shall not hear or determine any Presentment or Indictment taken before the Judges of the Supream Courts, concerning any Murder, Treason, or other capital Crimes or Offences, which by the Laws of this Province are or shall be made Felonies of Death, but that the same shall be heard and determined by Commissioners of *Oyer* and *Terminer* and Goal-delivery, as shall be especially constituted by the Governor for that purpose, under the Great-Seal, whenever there shall be Occasion.

Resolved, That the said Justices of the Peace, or any three of them; may hold special and private Sessions as Occasion shall require; and may allow or license any common Ale-house, Inn, or Tavern; and shall, from Time to Time, take Bond with Surety by Recognizance, of such as shall be so allowed, as

well against the using unlawful Games, as for keeping good Rule and Order in their Houses; all which said Recognizance and Obligations, shall be made to the Queen, her Heirs, and Successors, for Support of this Government.

Resolved, That the Judges and Justices Salaries or Fees, for holding the said Courts, shall be paid out of the Fines, Forfeitures and Amercements.

Resolved, That nothing herein contained shall give any Power to the Justices of the said Court of General Quarter-Sessions of the Peace or Goal-delivery, to intermeddle with, or exercise any jurisdiction or Authority concerning any Cause or Thing whatsoever, arising within the Limits and Bounds of the City of *Philadelphia*, or shall abridge the Magistrates thereof of any Powers, Privileges, *&c.* granted them by Charter or otherwise.

Resolved, That if any Person be aggrieved with the Judgment of any of the said Courts of General Quarter-Sessions of the Peace and Goal-delivery, or of any of the said Courts of Special *Oyer* and *Terminer*, or of any of the Courts of Record for the said City of *Philadelphia*, or other Town Corporate, they may have their Writ or Writs of Error, which shall be granted them of Course, and made returnable to the Supream Court.

Resolved, That the Magistrates and Constables of the City of *Philadelphia*, and the Justices, Sheriffs, Coroners, and Constables, of the respective Counties of this Province, shall attend, and do their respective Duties in the said Supream Courts, and Courts of Special *Oyer* and *Terminer*.

Resolved, That there shall be a County Court of Common Pleas holden and kept four Times in every Year by the Justices of the said Court of Quarter-Sessions, at the Places where the said Quarter-Sessions shall be respectively kept in every County of this Province, as aforesaid; who shall hold Pleas of Assizes, *Scire Facias*, Replevins, and hear and determine all and all Manner of Actions, Pleas, Suits and Causes, Civil, Personal, Real, and Mixt, as near as conveniently may be to the Rules of the Common Law, and to the Course and Practice of the Queen's Court of Common Pleas in *England*, and according to the Laws and Constitutions of this Province, having regard to the Proceedings of the former County Courts; and shall have full Power to grant all Writs and Process upon the said Plaints, Pleas and Actions, as Occasion shall require.

Resolved, That there shall be a Clerk or Prothonotary of the said Courts of Sessions and Common Pleas, nominated by

the Justices, and commissionated by the Governor; who shall be obliged to do his Duty in the said Offices respectively.

Resolved, That original Writs and Process may be made returnable to one or more Justices of the said Court, who may sit once in every six Weeks for that Purpose; as also, to the End that Rules for Pleas, Replications, and other Pleadings may there be given, and Issues joined, and Preparations made, for expediting the Trials of Causes depending in the said Courts:

Resolved, That a Clause be inserted in the said Bill, to allow any Person aggrieved with the Verdict of a Jury, to move in Arrest of Judgment after such Verdict; or in case they neglect such Motion, and Judgment be entered, then they may have their Writ or Writs of Error, to remove the Cause into the Supream Court.

Resolved, That such Persons who shall be admitted to practice as Lawyers in the Courts of this Province, shall be learned in the Laws of *England*, and of this Government, and of known Integrity; and shall be qualified by Oath or Affirmation, as by the Law of this Province is prescribed.

Resolved, That no Freeholder shall be arrested, unless he be about to depart the Province, or absconds, or refuse to give Security upon reasonable Demand of the Creditor; and that the Justices may have Power in each respective County to issue *Subpœna*, to summons Witnesses out of any other County, as Occasion may require.

Resolved, That a Clause be added in the said Bill, to prevent fraudulent Gifts, Conveyances or Assurances of Lands or Goods, but that the Creditors may have Execution thereof, as if no Assurance had been made; and that Writs of Partitions between Co-partners by the Common Law, Joint Tenants, and Tenants in common, may be brought and proceeded on in the said Courts of Common pleas for the proper County as near as may be according to the Course of Proceedings upon such Writs in *England*.

Resolved, That there shall be a Court of Equity held by the Justices of the respective County Courts of Common Pleas four Times a Year, at the Places, and near the Times, that the Court of Pleas are held in every County of this Province, who shall have full Power to hear and decree such Matters and Causes as shall come before them in the said Courts; but if any Person shall be aggrieved with any Decree or Sentence of the said Court, such Person may appeal to the Supream Court, in case the Sum adjudged by such Decree shall be *Ten Pounds* or upwards.

Resolved, That a speedy and expeditious Way, void of Colour or Fiction, for Trial of Titles of Lands, shall be inserted in the said Bill.

Resolved, That whereas the Queen in Council, on the seventh of *February* last, was pleased to repeal the late Act for establishing Courts of Judicature in this Province, and Counties annexed; and that since the said Repeal came to the Knowledge of the Justices of the several Courts of this Province, they have adjourned the said Courts from Time to Time; therefore, to the End that no Pleas or Process, depending in the said Courts, may be discontinued or avoided by Occasion of such Adjournments, it is the Opinion of this Committee, that a Clause be inserted in the said Bill, that all and every the Pleas, Writs, Bills, Actions, suits, Plaints, Process, Pleadings, Proceedings, Indictments and Informations, Causes and Things whatsoever, pleaded, returned, depending or being in all and every, or any the Courts of Law or Equity within this Province, since the said seventh Day of *February*, shall be continued and revived, and may be proceeded upon at the respective Courts appointed to have Cognizance of such Pleas, as if the said Act had not been repealed.

Ordered, That the Speaker be desired to draw up the Bill for Regulation of Courts according to the said Resolves, and that he have Liberty to make such necessary Additions thereunto, as will be sufficient to render the Powers of the respective Jurisdictions, intended by this Bill to be established, full and compleat.

Resolved, That a Bill, by Way of Supplement to the Act already made for raising County Levies, be prepared, in order to the Defraying of the Publick Debts of the several Counties of this Province, and that the Time of laying the Assessments shall be in the Counties of *Philadelphia*, and *Bucks* at the Court in *December*, and in *Chester* at the Court in *November*, yearly, as Occasion may require.

Resolved, That the Constables be only obliged to return the Names of all Taxables to the Assessors.

Resolved, That good merchantable Wheat, Barley, Rye, Oats, *Indian* Corn, Buck-wheat, Beef, Pork, Bread, Flower, Hemp, Flax and Wool, shall pass as current Pay for the said County Levies.

Resolved, That a Clause be added to the said Bill, to give the City of *Philadelphia* the same Power with the County Court, where the Assessors refuse to do their Duty, or the County neglects to choose Assessors, and all other Matters contained in the Act for raising County Levies.

Resolved, That the Paragraph of the late Supplement, limiting the Time of the bringing in Accounts due from the County in *September* Court, be added, with an Exception of the Members of Assembly from being under such Obligation.

That a Clause be inserted for Defalcation of Debts due from the respective Counties, and the City of *Philadelphia*, out of the Taxes of the Creditors of the said City and Counties.

That a Clause be put in the said Bill, that in the Month of *December* in *Philadelphia* and *Bucks* Counties, and in *November* in *Chester*, yearly, there shall be raised a Sum of Money by the Justices and Grand Jury, which shall be particularly appropriated to pay for the killing of Wolves.

Resolved, That the Assessors in each County of this Province shall appoint so many Collectors as they shall think needful for gathering in the respective County Levies; and where such Rates are so gathered, whether for defraying the County Debts, or for Payment for Wolves Heads, the said Collectors shall pay the same to the respective Treasurers appointed to receive it for the particular Services in each County, and that the respective Collectors shall make up their Accounts in each County within nine Months after the Assessments are made.

Ordered, That the said Bill be prepared and brought in according to the said Resolves.

Resolved, That this House will, on the Twenty-ninth Instant, at Ten of the Clock in the Forenoon, resolve itself into a Committee of the whole House, to consider further of some additional Parts to the Bill for Regulation of Courts; particularly respecting the Courts of Orphans, and regulating the Officers Fees.

Ordered, That a Notice be given to the Counties of *Chester* and *Bucks*, to bring in their Accounts to this House, or to the Committee appointed to inspect the Publick Accounts; and then the House adjourned till the Twenty-eight Instant, at Two o Clock, P. M.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Speaker informed the House, that he had drawn up a Scheme or Draught of the Bill of Courts, which he presented to the House, and the same was read, and ordered to be read again and debated by Paragraphs; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over and a Quorum appeared.

A Bill for the better repairing and mending the High-ways was presented to the House and read, and ordered to be read again.

The House then (according to the Order of the Day) resolved into a Committee of the whole House, to consider of the additional Clauses to the Bill of Courts, and to regulate the Fees; and, after some Time spent therein, the Speaker assumed the Chair, and *Joseph Wilcox* reported from the said Committee, that they had made some Progress therein, and that the Committee had directed him to move the House for further Time to proceed in the same.

Resolved, That this House will To-morrow, at Two a Clock, *Post Meridiem*, resolve itself into a Committee of the whole House, to proceed in the further Consideration of the said additional Clauses, and Regulation of the Fees; and then the House adjourned till Two a Clock in the Afternoon.

Post Meridiem.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Some Paragraphs of that Part of the Bill, which was drawn up for Regulation of Courts, were read and debated.

Ordered, That the remaining Paragraphs be read and debated Tomorrow Morning; and then the House adjourned till Eight a Clock Tomorrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The House proceeded upon reading the remaining Paragraphs which were prepared of the Bill for regulating of Courts; and the same were debated and agreed to by the House.

A Petition of the Boulders and Traders in Wheat, Inhabitants of the City of *Philadelphia*, complaining of the great Abuses and Injuries in the Trade of Wheat, for Want of a Standard settled to weigh the same, or some Part of each Parcel, and praying Redress therein, was read, and ordered to be read again.

Also a Petition of sundry Freemen and Inhabitants of the City of *Philadelphia*, desiring Leave to bring in a Bill for strengthening and confirming the City Charter, and enabling the Mayor and Commonalty to make By-Laws for suppressing of Vice, repairing of Streets, Wharffs, *&c.* was read, and ordered to be read again; and then the House adjourned till Two a Clock this Afternoon.

Post Meridiem.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The House then, according to the Order of Yesterday, resolved into a Committee of the whole House, to consider further of the Additional Clauses to the Bill of Courts, and the Regulation of Fees; and, after some Time spent therein, the Speaker assuming the Chair, and *Joseph Wilcox*, reported from the said Committee, that they had made some further Progress in the said Matter, and that the Committee had directed him to move the House for further Time to finish the same.

Resolved, That this House will, at Nine a Clock To-morrow Morning, resolve itself into a Committee of the whole House, to finish the Consideration and Debate of the said Bill, and Regulation of the Fees; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Ordered, That a Clause be inserted in the Bill for Regulation of Courts, to impower the Mayor and Commanalty of the City of *Philadelphia* to commence Actions in the Supream Courts, in any County of this Province, against any Person or Persons, as there may be Occasion.

The House then, according to Order, resolved into a Committee of the whole House, to consider further of the said additional Clauses to the Bill of Courts, and for ascertaining the Fees; and, after some Time spent therein, the Speaker assumed the Chair, and *Joseph Wilcox* reported from the said Committee, that though they had made very considerable Progress therein, yet they had not quite finished the same; and that the Committee had directed him to move the House for Leave to sit again.

Resolved, That this House will, at Nine a Clock To-morrow Morning, resolve itself into a Committee of the whole House, in order to finish the same; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The House according to the Order of Yesterday, resolved into a Committee of the whole House, to finish the said additional Clauses to the Bill of Courts, and to ascertain the Fees of Officers; and, after some Time spent therein, the Speaker assumed the Chair, and *Joseph Wilcox* reported, that the said Committee were come to several Resolves, which they had

directed him to report, when the House will be pleased to receive the same.

Ordered, That the said Report be made To-morrow Morning; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Joseph Wilcox proceeded to make Report of divers Resolves of the Committee of the whole House, which were agreed to by the House; but had not Time then to finish his Report.

Ordered, That the said Report be finished when the House doth next meet; and then the House adjourned till the fourth Instant, at Two a Clock, P. M.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

A Petition of *Benjamin Chambers*, relating to his Ferry, was presented to the House, and read, and ordered to be read again.

Joseph Wilcox proceeded farther in making Report of the Resolves of the Committee of the whole House, relating to the Establishment of the Court of Orphans, and the Regulation of the Officers Fees, which he read in his Place, and afterwards delivered the same in at the Table, where the same were read, and agreed to by the House, and are as follows.

Resolved, That a Clause be inserted in the Bill for Regulation of Courts, that the Justices of the General Quarter Sessions of the Peace, in the respective Counties of this Province, shall for ever hereafter have the Care of all Orphans, within the said respective Counties, and that any three of the said Justices shall have full Power to hold and keep a Court of Orphans, at least twice in every Year; and that the Mayor and Commonalty of the City of *Philadelphia*, shall have the same Power as the County Justices; and shall award Process against any Persons, who, as Guardians, Trustees, Tutors, Executors, or Administrators, or otherwise, are or shall be instrusted with, or accountable for, any Estate or Estates, belonging to any Orphan or Person under Age, and cause them to make and exhibit, within a reasonable Time, true and perfect Inventories and Accounts of the said Estates, and require and take Recognizance and Security of such Guardians, *&c.* as well for the Payment or Delivery of the Shares, Portions, Legacies, or Dividends, belonging to such Orphans, as for their Maintenance and Education.

Resolved, That the said Courts respectively shall have full Power to hear and determine all Actions for any Legacy or

Legacies due, or to be due, to any Orphan or Person under Age, and to award necessary Process thereupon; as also to make equal Distribution of the Surplusage of the said Estates, as to Equity and Justice shall appertain, having Regard to the Directions and Bequests of all Last Wills and Testaments; and generally to execute and perform all and whatsoever to the Court of Orphans doth or shall appertain, as near as may be to the Method used in the Orphan's Court in the City of *London*.

And whereas the Officers Fees approved of by the Queen, was, by the former Law, expressed in such general Terms, that some Officers have taken an unwarrantable Latitude thereby to charge Particulars, which were comprehended in the general Articles; whereby the People of this Province, to their great Injury, have been made liable to divers exorbitant Exactions and Demands of the said Officers; therefore, for the Prevention of the like Inconveniences and Injuries for the future, and for reducing the said Law to a greater certainty, by specifying and ascertaining the Fees belonging to every particular Branch and Part of the Duty of the said Officers respectively;

Resolved, by this Committee, That the Fees of the several Officers of this Province be limited, reduced and ascertained in the said Bill, and that Tables of the said Fees be made and set up in the said Officers and Courts of this Province, as Occasion requires, and Receipts given upon Payment of any such Fees from time to Time; and upon Neglect thereof, or exacting more or other Fees, to be fined for the first Offence *Twenty Pounds*, and the like for the second Offence, and be liable to be displaced or removed from his Office.

Ordered, That the Speaker be requested to draw up the additional Clauses to be added to the Bill of Courts, according to the said Resolves; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The additional Clauses resolved on by the Committee of the whole House, to be added to the Bill of Courts, for establishing the Court of Orphans, and for regulating and ascertaining the Fees of Officers, were read, and, after some Amendments, were agreed to by the House, and ordered to be read again on the seventh Instant.

The Petition of *Benjamin Chambers*, relating to his Ferry, and praying Leave to bring in a Bill to establish the same, and

to prohibit any other Person from setting up another Ferry within one Mile thereof, was again read.

And also the Petition of several Freemen and Inhabitants of the City of *Philadelphia*, praying that the Corporation may be enabled to make By-laws to regulate Abuses and other Matters among themselves.

And likewise a Petition of several of the said Inhabitants, praying Relief against the Nusances caused by the Slaughter-houses in the said City, were read.

Ordered, That the Consideration of the said Petition be referred to a Committee of the whole House.

Resolved, That this House will, at Nine a Clock To-morrow Morning, resolve itself into a Committee of the whole House, to consider thereof; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

A Petition of sundry Inhabitants of the County of *Philadelphia*, complaining of the great Damages sustained by the Increase of Wolves, and praying that an Act be made, to encourage both *English* and *Indians* to destroy them, by raising a Fund for that particular Service, was read, and ordered to be referred to the Committee appointed to draw up the Bill of a Supplement to the Act for raising County Levies.

The House then, according to the Order of Yesterday, resolved into a Committee of the whole House, to consider of the several Petitions to them referred; and, after some Time spent therein, the Speaker assumed the Chair, and *Joseph Wilcox* reported from the said Committee, that they were come to several Resolves, which they had directed him to report, when the House will be pleased to receive the same.

Ordered, That the said Report be made To-morrow Morning; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Joseph Wilcox proceeded to make Report from the Committee of the whole House, to whom the Consideration of several Petitions was referred, as follows, *viz.*

Resolved, That *Benjamin Chamber's* have Liberty to bring in a Bill, as desired.

Resolved, That the Freemen and Inhabitants of the City of *Philadelphia*, have Leave to bring in a Bill to enable the Mayor, Recorder, Aldermen and Commonalty of the said City, to regulate the Streets, Water-courses and Buildings within

the said City, and to build and repair publick Wharffs and Bridges, with Power to rate and levy such Taxes as shall be needful for that Service; and also to regulate Buildings and Party Walls, and to provide a Pound for Horses and other Cattle, with full Power to suppress Vice in general.

Resolved, That nothing in the said Bill shall extend to enable the said Mayor and Commonalty to raise Money upon any other of the Inhabitants of this Province, by Way of Tax, Toll, Imposition, or otherwise, excepting the Inhabitants of the said City, and such as Estates therein.

Resolved, upon Consideration of the Petition of several of the Inhabitants of the City of *Philadelphia*, praying Relief against the Nusances caused by the Slaughter-houses, That a clause be inserted in the Bill to enable the Mayor and Commonalty to regulate the Streets, *&c.* to appoint the Situation of the said Slaughter-houses.

To which Resolves the House agreed, N. C. D.

The Additional Part of the Bill of Courts for establishing the Court of Orphans, and for regulating and ascertaining the Fees of Officers, was again read, and agreed to by the House, N. C. D.

Ordered, That the whole Bill for Regulation of Courts, with the additional Clauses and Amendments, be distinctly read in the House To-morrow Morning; and then the House Adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Committee appointed to inspect and adjust the Publick Accounts, reported to the House, that they had settled the same, so far as the Taxes, Imposts and Excise, raised by a late Act of Assembly, had been paid in to the Treasurer; and delivered their State of the said Accounts at the Table.

Ordered, That the said Accounts be put amongst the Files of the House, till further Leisure to inspect them.

The Bill for the Regulation of Courts, with the additional Clauses and Amendments, was distinctly read, and the Question being put, That the said Bill, with the Amendments, be engrossed, and sent to the Governor? *It passed in the Affirmative*, N. C. D. And then the House adjour'd till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Ordered, That *Griffith Jones*, *Joshua Carpenter*, *Francis Rawle*, and *William Hudson*, do wait upon the Governor with

the Bill for Regulation of Courts, as soon as the same is ingrossed.

Ordered, That the Sheriffs of the respective Counties of this Province, bring in Duplicates of the Rate and Assessments upon the Inhabitants thereof, in Pursuance of a late Act of Assembly for Support of Government; and deliver the said Duplicates to the Treasurer, upon or before the twentieth Day of this Instant: And the Speaker is desired to issue his Warrants to the said Sheriffs accordingly.

Maurice Lisle, Clerk of this Assembly, acquainting the House with his Intentions of suddenly removing from this Province, and praying an Order to the Treasurer for his Salary, having served the House eighteen Days, at *Six Shillings per* Day, which amounts to the Sum of *Five Pounds, Eight Shillings;*

Ordered, That the Speaker issue his Warrant or Order for the Payment of the said Sum forthwith; and then the House adjourned till the twentieth Instant, at Eight a Clock in the Morning.

THE House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Members appointed to attend the Governor with the Bill for Regulation of Courts, acquainted the House, that they had delivered the said Bill to the Governor according to Order.

Ordered, That *Griffith Jones* do go to *Edward Shippen*, and enquire if the Governor, at his going for *Newcastle*, left any Orders with him about the said Bill, for that the House hath received such Information; who returned, and reported, that he had acquainted him the Bill was left with *James Logan* and the Attorney General, in order to have the Amendments transcribed fair; but that the said *Edward Shippen* will apply to them for the same this Afternoon, and then will lay it before the House.

Resolved, That this House will take the said Bill, with Amendments, into Consideration, as soon as the same are presented; and then the House adjourned till Two a Clock this Afternoon.

The House met, and the Speaker assumed the Chair.

Edward Shippen, and *Richard Hill*, in a Message from the Governor, presented to the House his Objections to the Bill of Courts, which were read, and are as follows, *viz.*

OBJECTIONS *by the Governor and Council to the Bill, intituled*, An Act for establishing Courts of Judicature within this Province.

1. THE Act for establishing Courts in this Government, pass'd in the Year 1701, was found exceeding inconvenient, and was complained of by all Men of Understanding in Affairs of this Nature, who were concerned in the Practice of our Courts, and being presented to the Queen, was by her repealed; to supply which, there has been an Act drawn up, by Order of the Governor and Council, agreeing, as near as it could be brought to suit the Circumstances of this Place, with the *English* Establishment, as well in *England*, as in other Parts of the Queen's Dominions Abroad.

2. The said last mentioned Bill was approved of by the Governor and Council, and recommended to the Assembly to be passed into an Act, with such reasonable Alterations as they should find Cause to make in it. Notwithstanding the Governor has full Power and Authority, by the Royal Charter of King CHARLES the Second, of himself, by an Ordinance, and without the Concurrence of the Assembly, to establish all necessary Courts; yet, in the Bill now presented, there seems to be no Notice taken of the said Bill prepared by the Governor's Order, nor any other Constitution than the old One, interpolated with Additions to be offered; of which Additions, as there are some reasonable, and for the publick Benefit, so there are others that seem very much the contrary, and unreasonable to be expected; particuarly, Page 1.

3. There is a Provincial Court erected, for holding of which, three Judges are to be commissionated, any one of whom may hold that Court; these Judges seem to be intended principally for Matters of Error in Law, which would require a Person well skilled in that Profession to determine, or for Appeals in Equity from the County Courts; if, therefore, any one Person, qualified for such an Office, can be procured for the Place, there will be no Occasion for three by distinct Commissions, since any one will serve; besides, the Allowance made to these Judges is only *Twenty Shillings per Diem* a Consideration too small for any Person duly qualified to accept of: For Men of the Law can find much more profitable Methods to lay out their Skill on; and to employ others to judge of Matters of which they have no Knowledge, is not only to impose upon them, but abuse the Country that they ought to serve.

4. In Page 1. Power is given to these Judges to grant all Remedial Writs, *Habeas Corpus*, *Certiorari*, *&c.* but in Page the Second this Power is intirely made void (Cases of Error excepted) where it is provided, that no Writ whatsoever shall remove any Cause before Judgment be given, and this Proviso seems to be intended so general, that there was Occasion for another immediately following to preserve Writs of Error from falling in the general Overthrow; yet it is well known, that a Writ of Error makes but little for the Relief of the Subject, except in some particular Cases, and multiplies Trials more then any other, since it only reverses the Judgment at most, and sets both Parties in the same Condition they were in before Trial, with this Difference only, that they have been at a certain Expence, but have not in the least advanced their Business, and must either begin *de novo*, or discouraged by such an Expence and Trouble, desist from doing themselves Justice; for the Judges of Error are not to consider the Justice of the Cause, but the Regularity of the Proceedings: This indeed may bring more Practice into the Courts, but at the same Time oppresses the Subject; whereas those other Writs of *Habeas Corpus*, *&c.* which *England* thought worth their while to purchase so dear, as being the greatest Bulwarks to the Subject's Liberty, are intirely rejected, and those only reserved that make the most Work for the Lawyers: Besides, it is directly against common Justice, to oblige a free Subject to be tried by one particular Court only, that may be prejudiced against him, which is no uncommon Case; the Benefit of a Remove in such Cases is the Subject's Right, and to deny it, is Oppression.

5. It is not so safe to enumerate the several Powers of the Judges; if they have the Power of the Justices of the Queen's Bench and common Pleas in *England*, there will be the less Danger of any *Casus omissi.*

6. The Proprietary and Governor is invested with the Power of putting in and turning out these Officers in this Government, as other Governor's generally are in *America;* and it will be hard to give a Reason, why he should make a Compliment of it to any other whatsoever.

7. The Court of Equity ought here, as in other Places, to be in the Governor and Council, unless the Governor think fit to lodge it in Commissioners for that Purpose.

8. This, with several others of the Kind, is Matter of Practice, and ought rather to be done by Rule of Court; for then, if found inconvenient by the Court, who are the most proper

Judges, they may be altered; whereas when done by a Law, they cannot, without much more Trouble.

Objected against in Objection, Page 2. and 4, 6.

9. The granting of License is a Perquisite of Profit belonging to the Governor, and settled by last Assembly; therefore not to be thus parted with; nor does it hinder the Justices from proceeding against the Persons licenced, in case of Disorders.

10. The Fines and Forfeitures are the Proprietary's by Grant from the Crown; the Attempt therefore to take them from him, is very inconsistent with the Obligations that all the People residing in this Government are laid under to him and his Heirs, by that same Charter that grants them.

11. This Proviso is very unwarrantable and oppressive, in forcing the Subject to a Trial before a Jurisdiction that fines at Pleasure, and to their own Use, and without any Room left for Relief. The Inhabitants of *Philadelphia* ought to be as tenderly regarded as any others of the Queen's Subjects in the Government; and there, particularly, greater Care ought to be taken of Impartiality, it being the general Resort of all Strangers, who come to visit us but for a Time, and who therefore ought to be the more civilly treated. But further, this Clause covertly gives the Corporation the full Power of holding Pleas in all Civil Matters, which was never intended them by the Proprietary's Grant; and it cannot be thought reasonable, that the present Governor should enlarge upon that Power.

12. All Writs, original and judicial, ought to issue out of the Clerk's Office of the respective Counties, under the County Seal, and signed by the Clerk, who is the proper Officer, and not to be granted by every Justice; for this would cause great Confusion, and put a great Hardship also upon the Justices themselves.

13. Though this Clause, with the following Proviso's added, is a great Amendment to what has been formerly enacted; yet it would be much more just and reasonable, that all Persons were subject to an Arrest here as in *England*, and the Difference might be in the Bail, for there is scarce any Thing short of this, that can effectually prevent a Person from abusing his Creditors, by fraudulent Sales. And that Proviso, where Persons not worth *One Hundred Pounds* clear Estate, free from Mortgages and intails, shall be subject to an Arrest, is not sufficient to secure a Debt of *Two* or *Three Hun-*

dred Pounds; there will also several other Inconveniencies arise from these Proviso's, which a general Arrest would prevent.

14. The same Arguments hold against this Clause, as against the preceding; a Debtor, by this Means, has still more Time given him to act the Knave in, especially when his Lands lie in another County, for there must be a *Fieri Facias*, before a *Capias can issue.*

15. This directly destroys the End of the Law, and looks as if it were intended only to make Work for the Courts, without any Regard to doing Justice to the Oppressed: A Plaintiff that obtains Judgment and Execution, hopes by that Means to have his Money; but if the Defendant can procure Security, of which not the Plaintiff himself, but the Justices, must be Judges, the Plaintiff is then eluded; he must take a new Debtors, and if they refuse Payment at the Time, another Action ensues, and so, by a Combination of a few perverse Men, a Creditor may be kept out of his Money for many Years, if not for ever, to his Ruin: There is little Danger, it is true, that a poor Man will serve the Rich thus; but a wealthy Man, that is maliciously bent against a poorer, may by this Means find a Handle to be his Ruin. It is a Method, 'tis believed, that has scarce ever been heard of before, and would doubtless look very odd, when present at Home; but were it enacted and should the Justices be the Judges of the Security it would be just also, that they should be answerable for it.

16. This is already spoke to in Letter (*d*) besides, 'tis very unreasonable the same Persons should judge twice of the same Cause; and it seems very unaccountable, that this Assembly, after it was agreed to by the former, being known to be the Method practiced throughout all the Queen's Dominions in *America, viz.* "That the Governor and Council should be the Court of Equity," should think that even the same County Justices, who before judged of the Matter in Law, should be more proper Judges of it again in Equity, than they; this looks more disrespectful than is even fit in this Place to be mentioned.

17. If the Officers fail in their Duty, the Law is open against them, and the Governor may immediately discharge such as are only during Pleasure.

18. This is of great Consequence, and tho' formerly the Practice here, yet it ought to be very well weighed; before

it is re-enacted, there ought some Method to be found, that may give a better Security than the County Courts only, for the Estates of Orphans.

19. The whole Business of Fees requires a closer Scanning than is necessary at this Juncture, until the foregoing Objections be removed: It is certain, that if the Officers in any Case err on one Hand, many of those here mentioned are as wide from Reason on the Other.

20. Upon the Whole, it is further proposed by the Governor and Council to the Assembly, that it they will agree to a Bill, conforming to that proposed to them at their first Meeting, in which there may be a regular Jurisdiction settled throughout the whole Province, as in other Parts of the Queen's Dominions; and the Subject may have the Benefit of having his Estate, *&c.* try'd by a Person of Knowledge, whose Skill and Experience may give the Parties some Assurance, that when a Cause is gained, 'tis firm to them, and not to be overthrown by after Enquiries, as, it is well known, too many of the Causes hitherto try'd in this Government, may some Time or other be, and will further grant a due Encouragement to such a Person to serve the Country, in which they alone will reap the Advantage, and will settle the Courts of Equity consonant to Reason and Practice, as in other Parts of the Queen's Dominions in *America*, the Governor will then readily pass it; but if otherwise, and these Heads cannot be assented to, he will find himself obliged, by Advice of the Council, by Virtue of the Royal Charter to the Proprietary, and his Commission, to establish all these Courts by an Ordinance, that Justice may no longer be delay'd, but the Current of it be again opened, for the Relief of the Oppressed.

And hereunto the Assembly's Answer, that no more Time may be lost, is immediately required.

Which being read, the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, it was moved, That the Governor's Objections to the Bill for Regulation of Courts, may be read;

Which being done accordingly, the House, after some Debate and Consideration had of those Parts of the Bills, whereunto any material Objection was made.

Agreed, and *Resolved*, That Criminal Causes may be removed by *Certiorari*, or other Writs, from all inferior, to the superior Courts of the proper County, under the like Restrictions as in *England;* and that Civil Causes, other than such

as concern Freehold or Inheritance, may be also removed before Judgment, so as the Debt or Damages be *Ten Pounds*, or upwards.

Resolved, That a Clause be added to the said Bill, That the Statute of the Eighth and Ninth of WILLIAM III. Ch. 11. be observed and put in Practice in this Province: And that another Clause be also added, That when a Penalty is declared for, the Plaintiff shall have Judgment but for the real Debt, Interest and Charges, with such Damages as the Court shall adjudge, and the Defendant discharged for the rest.

Resolved, That a Clause be also added, That the Statute of the Fifth and Sixth of WILLIAM and MARY, Ch. 12. may be observed here; and that the Justice who signs such Judgment, shall have *two Shillings*, in Satisfaction of the *Capiatur* Fine.

Resolved, That the Clause which exempts from Arrest, such as have a clear Estate, worth *One Hundred Pounds*, shall be left out of the Bill.

Resolved, That a Clause be added to the said Bill, That the Party (to whom Recognizances are given for such as may or shall be taken in Execution) may have a *Scire Facias* against such Bail, and Execution thereupon against their Bodies, Lands or Goods, at the Plaintiff's Election; and that the Defendant taken upon such Execution, shall be detained in Prison, until he satisfies the Debt and Charges, or agrees with the Plaintiff for the same.

Resolved, That a Proviso be also added, That the Attornies, Prothonotaries, and other Officers of the Supream Court, shall have no more Fees in Causes removed there before Trial, than is allowed the Attornies and Officers of the inferior Courts in such Causes.

Resolved, That another Clause be added, That no Fees shall be taken for the Discharge of the Recognizance of Persons bound to give Evidence against any Offender, under the Penalty of *Five Pounds:* And that such as shall draw any Indictment or Information defective, shall draw new Ones *gratis*, or forfeit *Five Pounds*.

The House desired the Speaker to draw the Amendments to the said Bill, according to the abovesaid Resolves; and that in the mean time the House may resolve into a Committee of the whole House, to inspect and settle the Minutes, in order to be transcribed and published.

Resolved, That this House will at Nine a Clock To-morrow Morning, resolve itself into a grand Committee, to inspect and

settle the Minutes, and to consider of the Governor's Objections to the Bill of Courts; and then the House adjourned till Eight a Clock To-morrow Morning.

The House being met, the Speaker assumed the Chair, and then the House resolved into a Committee of the whole House, according to the Order of Yesterday; after some Time spent in considering the Matters referred to them, the Speaker resumed the Chair.

Joseph Wilcox, Chairman of the said Committee, reported, That they had made some Progress in settling the Minutes, and moved for Leave to sit again, which the House agreed to.

Joseph Antrobus's Petition to the last Assembly, desiring an Order for Payment of *Nine Pounds, Fifteen Shillings*, due to him for his Service as Clerk of a former Assembly, was read.

Ordered, That the Speaker do issue forth his Warrant or Order to the Treasurer, for Payment of the said Sum out of the Publick Money in his Hands.

Resolved, That the further Debate of the Governor's Objections to the Bill of Courts, shall be proceeded upon by the House, and, after some Time spent therein, the House came to these following Resolves.

1. *Resolved*, N. C. D. That the House is under a great Disadvantage, because the Reasons of repealing the former Law of Courts are concealed from the Assembly; nevertheless, they have endeavoured to accommodate the Bill now proposed, as near as may be, to an *English* Establishment, and hope, if passed here, will bear the Scan of our Superiors, as well as any Scheme we have seen from other Parts of the Queen's Dominions Abroad.

2. *Resolved*, That the House, as in Duty bound, will pay all civil Regard to what the Governor thinks fit to recommend; and shall countenance the Council in their good Advice and Assistance to the Governor in Matters of State, but can allow them no more Authority in Legislation than the Lords of Trade seem to do in their Objections to the Law for erecting *Chester* Bridge; and that we have taken due Notice of the Draught recommended to us by the Governor, and have inserted some Clauses thereof, and supplied the rest in our Bill, which, with Submission, is grounded upon the best Constitution we could find, *to wit*, the Common and Statute Laws of *England*, and not an Interpolation of the old One, with Additions, unreasonable to be expected.

We have also considered and duly weighed the Royal Charter to the Proprietary, and we are humbly of Opinion, that the Courts, as now circumstanced, and the Discontinu-

ances of all Pleas and Process, occasioned by the said Repeal, with some other Things, which might be mentioned, cannot be revived and settled by any Ordinance, without the Concurrence and Authority of a General Assembly.

Resolved, That this House will, To-morrow Morning, proceed farther in the Consideration of an Answer to the Governor's Objections to the Bill for Regulation of Courts; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The House proceeded farther in the Consideration of an Answer to the Governor's Objections to the Bill for Regulation of Courts, and came to the following Resolves.

3. *Resolved*, That though this House will agree with the Governor, that the Judges of the Supream, or Provincial Courts, shall hold Plea of Causes duly removed before them from inferior Courts, as well as Matters of Errors and Appeals in Equity; yet we see no Cause why they should not be constituted by distinct Patents here, as the Judges in *England* and *Wales* are; which, in case two be absent or indisposed, will enable the other to keep or hold Courts, which may prevent a Failure of Justice; and though, Men skilled in the Law, if of good Integrity, are very desirable; yet as the obtaining such is a Work of great Difficulty, so the continuing of them, when procured, will be both chargeable and uncertain; for which Reason, we incline to be content with the best Men the Province affords, having found no Inconveniency thereby in above twenty Years Experience, equal to the Difficulties and Hazards which another Method may produce, being assured this Province affords Men of Knowledge sufficient to judge of Matters arising in so young a Colony; and if they will be concerned in the Magistracy, we shall not reckon the Country abused, and do hope they will be content with the proposed Salary; but if that falls short, we hope other Provision will be made to support a good Magistracy, being so essential a Part of this Government.

A Message from the Governor by *Robert Ashton*, to acquaint the House that the Governor was returned from *Newcastle*, and desires some Members of the House to attend him at *Thomas Master's* House in *Philadelphia* immediately.

Ordered, That *Joshua Carpenter*, *John Swift*, *William Hudson*, and *John Hoodt*, do wait upon the Governor, to know his Pleasure; and also to acquaint him, that this House have taken into Consideration his Amendments to the Bill of Courts,

which they received but last Fourth Day late, and that they had not yet received the Bill he sent, by Means whereof their Progress on the Amendments had been retarded; nevertheless, they hope to perfect the said Bill, with an Answer to his Proposals of Amendments, and to wait upon him therewith, the Beginning of the next Week.

The said Members returned, and reported, that they had delivered their Message, and that the Governor acquainted them, he sent for them to know what Progress they had made about the said Bill, and earnestly pressed the Dispatch thereof, that he might know the Result of the House thereon upon Second Day next, in the Morning, or sooner, if possible.

Resolved, That the House will, at Two a Clock, *post Meridiem*, proceed in the farther Consideration of an Answer to the Governor's Objections to the Bill of Courts; and then the House adjourned till two a Clock in the Afternoon.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The House proceeded in the farther Consideration of an Answer to the Governor's Objections to the Bill of Courts, and came to the following Resolves.

4. *Resolved*, That the Bill, as at first proposed, gave sufficient Liberty to remove the Body, in order to be relieved against wrong and arbitrary Imprisonments (though not to gratify the turbulent, contentious, lewd and evil-disposed Persons, as the Statue describes them, fearing to be deservedly punished, where they and their Offences are well known) but lest there should be any Grounds left to conclude any Check upon the just Liberty of the Subject, we agree that Causes may be removed from inferior to superior Courts, under the like Restrictions as in *England*, which we conceive as necessary upon Removals by *Habeas Corpus*, *Certiorari*, *&c.* as upon Writs of Error; and what is objected as an Oppression to the Subject in the one, may also be urged in the other, which we intend to avoid in both by the Bill as now proposed.

5. *Resolved*, That it is both convenient and necessary to enumerate what we can of the Powers of the Judges and Justices, to the End that their Commissions and Proceedings may be reduced to as much Certainty as may be, and not left too general.

Resolved, That the House will proceed in the farther Consideration of an Answer to the Governor's Objections to the Bill for Regulation of Courts on Second Day next in the Morning; and then the House adjourned till the Twenty-fifth Instant, at Eight a Clock in the Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Whereupon the Amendments and Clauses drawn up in order to be added to the Bill for Regulation of Courts, according to the Order of the Twenty-first Instant, were read, and upon the Question severally agreed to, N. C. D.

Richard Hill, and *James Logan*, came on a Message from the Governor to acquaint this House, that the Affairs of Government required the Governor's Attendance very speedily at *Newcastle;* therefore he would have the Assembly be expeditious in sending their Answer to his Objections to the Bill of Courts.

Ordered, That *Joseph Wilcox*, *Francis Cook*, *William Paxton*, and *Samuel Levis*, do wait upon the Governor, and acquaint him, that since his Objections to the Bill for Regulation of Courts were brought to this House, considerable Progress had been made in rendering such Parts of the Bill, as were thought suitable to the Circumstances of the People of this Province, more agreeable to the Governor's Mind; which caused so many Alterations in the Bill, that it cannot be made ready for the Governor's Perusal till To-morrow in the Afternoon.

The said Members returned, and reported, that they delivered their Message according to Order.

A Bill being brought into the House, intended for establishing of *Benjamin Chambers's* Ferry, was read; but in regard it was not drawn in due Form, the same is ordered to be laid aside, and that the said *Benjamin* shall have Leave to bring in another Bill.

The House proceeded in the further Consideration of an Answer to the Governor's Objections to the Bill for Regulation of Courts, and thereupon came to the following Resolves.

6. *Resolved*, That as to the putting in of Judges, this House proposed, as the Governor does, that he should appoint them; but that they should be displaced for Misdemeanor at the Request of the Assembly, is what we do insist upon, as a Privilege vested in the Legislative Authority; and as to what we propose concerning Prothonotaries and Clerks, we conceive our Bill is well warranted, as well by an Act of Parliament, made in the first Year of WILLIAM and MARY, Ch. 2. as by the Common Law, and the Statute of *Westminister* 2d, Ch. 30. and the 2d of HENRY VI. Ch. 10. By all which we find it is held reasonable that the Judges and Justices should appoint their Clerks and Officers to enter that which the Judges or Justices do adjudge or order; the insufficient doing whereof, makes the

Proceedings of the Justices erroneous, to their Dishonour, as well as to the Prejudice of the Party.

7. *Resolved*, That if the Court of Equity should be in the Governor and Council, as by their Scheme is proposed, we hold it very inconvenient, not because the Subject should thereby be tried by one particular Court only, that may be prejudiced against him, without the Benefit of a Remove, as is supposed of other Courts in the fourth Objection, but for that we would have these Counsellors, like good Centinels and Watchmen, to consult of the Honour, Safety, and Publick Good of the Province, and leave private Causes to the Justices; and for that End we propose by our Bill, that the Court of Equity should be lodged in Commissioners of the Governor's appointing, whereby we prevent the Council here from falling into that Inconveniency, which the Council Table did, by assuming unto itself a Power to intermeddle in civil Causes and Matters only of private Interest between Party and Party, which the Parliament of *England* thought fit to put a Stop to there, and from that Example we think it our Duty to oppose the same Mischiefs here.

8. *Resolved*, That it is the Opinion of this House, that it is best, and most safe, to settle the Practice of the Courts, so far as we can, by a Law, rather than leave it to be done by Rules of Court, which, by the Discretion of the Justices, may prove so different and contrary, that he who is conversant with the Practice of the Courts in one County, may lose his Cause in another, for want of knowing the Practice there.

9. *Resolved*, That it is the Opinion of the House, that the last Assembly did not settle the Power of granting Licenses, but that the Rates are only settled because of the Complaints made of the excessive Charge thentofore of obtaining Licenses; but since that Act passed, we find that the Law for granting Licenses is repealed by the Queen: Wherefore it is the Opinion of this House, that as the Laws of *England* give the Justices of the Peace there Power of granting such Licenses, so the Justices here ought to have the like Power; and we understand that it was the Proprietary's Mind formerly that it should be so in this Province.

10. *Resolved*, That it is the Opinion of this House, that to appropriate Part of the Fines to pay the Justices Fees, is warranted by a Statute Law of *England*, as well as Usage of other Governments in *America;* and that appointing Fines and Forfeitures to the Queen, does not take away the Right of the Proprietary, or others to whom he granted Fines and Forfeitures, to claim and have them; and the Objections of

our Superiors, which proved so fatal to some of our Laws on that Account, will thereby be removed.

Resolved, That the House will proceed in the further Consideration of an Answer to the Governor's Objections to the Bill for Regulation of Courts To-morrow Morning; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The House proceeded in the further Consideration of an Answer to the Governor's Objections to the Bill for Regulation of Courts, and came to the following Resolves.

11. *Resolved*, That it is the Opinion of this House, that the Magistrates of the City of *Philadelphia* are not guilty of fining any Person at Pleasure or Discretion, except in such Cases where the Law allows them, as well as other Magistrates, so to do; and to suggest or charge them with the contrary, is an unjust Imputation; nor is it inconsistent, but agreeable to the Laws of *England*, for Cities, and Towns corporate, in *England*, to set the Fines which they are to have themselves. See *Ventris's Reports*, Part 1. Page 180. tho' we do not understand that the Magistrates of the said City apply any of the Fines arising therein to their own private Use, but to the Service of the Corporation; neither do we intend the Magistrates of the said City any more Power in civil Causes than their Charter allows them.

12. *Resolved*, That it is the Opinion of this House, that all original Writs shall be granted under the Hands and Seals of the Justices, according to a Law of this Province, not disapproved by the Queen; but that all judicial Writs shall pass under the County Seal, as the Bill of Courts proposes.

13. *Resolved*, That it is the Opinion of this House, that the Clause for exempting Persons from Arrests, who have a clear Estate, worth *One Hundred Pounds*, shall be omitted and left out of the Bill of Courts: Neither can we agree to make all Persons subject to Arrests, it being contrary to an Act passed the last Assembly, conformable to the Attorney-General's Opinion upon a former Act of that Nature.

14. *Resolved*, That it is the Opinion of this House, that if we could be informed by sound Reason, why a Man, that has an Estate in Lands or Chattels, in any Part of this Province, should be surprised in a County, where, perhaps, he has no Estate, nor much Acquaintance, and be shut up in Prison among Felons, and deprived of his Liberty, when he has enough in another County to pay, and seek not to

defraud his Creditor; and if it could be shewn, that the Common Law has given any Grounds for such Imprisonment in a common Person's Case, it would be to the Purpose, and the House will farther consider it.

15. *Resolved*, That it is the Opinion of this House, that the fifteenth Objection is not well guarded, but would make the Bill import what it does not, and puts a very wrong Construction upon our Intent. What this House proposed is, by way of Essay, to relieve those only who can make their Creditors more secure, and to impower the Magistrates to interpose between a hard-hearted Creditor, and an honest Debtor; and cause a Debt to be well secured, that may be lost by the Debtor's dying in Prison, which may be the Consequence of confining him, especially in hot Weather; for the Sheriff or Goaler cannot allow him the Liberty of stepping over the Threshold, but will be liable to pay the Debt: These were the Motives of this Expedient: And this House have now agreed upon something more than was at first proposed for securing the Creditor in those Cases, and we hope the End of the Law will be better answered by this, or some such like Way of securing Creditors, rather then Debtors should be stifled in Goals, which have no Verge nor Liberty belonging to them, where he that is in for Debt can have no more Benefit than a Felon.

16. *Resolved*, That it is the Opinion of this House, that the Court of Equity, as proposed by the Bill, gives no Colour of Authority for the same Persons to judge twice of the same Cause; for that Matters of Equity being originally begun there, and a Clause particularly obliging them not to intermeddle with Matters of Law in the said Courts of Equity; and our Bill being warranted in that Point by an Act of Parliament, which gives the Judges of the Common Law Power to determine Matters of Equity in the same Sessions throughout the Dominion of Wales, we find no Cause to recede from what we have already proposed in that Behalf: And we think that the Agreement of the last Assembly is not binding upon this, unless we can acquiesce with it: And why the Governor and Council should not be a Court of Equity, is shewn in our Answer to the seventh Objection.

17. *Resolved*, That as for the Governor's discharging these Officers, the Opinion of this House is given in answer to the sixth Objection, whereunto we refer.

18. *Resolved*, That it is the Opinion of this House, that that Part of the Bill relating to the Court of Orphans has been well considered, and we see no Cause as yet to alter it:

But if the Governor will propose a better Way for securing Orphans Estates, we desire he would be pleased to communicate it to this House.

19. *Resolved*, That it is the Opinion of this House, that that Part relating to Fees is as necessary to be scanned and settled as the rest of the Bill; the Complaints of several Persons calling for a Regulation therein.

20. *Resolved*, That it is the Opinion of this House, that our Bill, as now amended, will effectually establish regular Jurisdictions throughout this Province, tho' not conforming in all Points with that Scheme proposed by the Governor; and if any further Objections be made thereto, we desire they may be the Result of the Governor's deliberate Consideration, and this House will readily comply with any Amendment that may improve our Scheme, and better adapt it to the Circumstances of the Place, and reduce the Proceedings and Practice of the Courts to a greater Certainty, and not prostitute the same to the Pretence or Trial of any Person's Skill and Experience, let his Knowledge be what it will; and if our Superiors will not approve of what we shall so conclude, we will readily submit to their Correction. But if the Governor will think fit, notwithstanding all our Endeavours for a regular Establishment of Courts, to make any Ordinance for that Purpose, without the Advice and Consent of the Assembly, we shall be obliged to take such Measures as may be proper for our own Vindication, and to discharge the Trust in us reposed by the People we represent.

Resolved, N. C. D. That the Speaker be desired to draw an Answer to the Governor's Objections against the Bill proposed by this House for establishing Courts of Judicature in this Province, and that the Answer be pursuant to the Resolves aforesaid; and then the House adjourned to Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, a Message from the Governor, by *Thomas Story*, desiring the House to expediate the Bill for establishing of Courts; for that the Affairs of Government in the Lower Counties require his Attendance there.

The Answer to the Governor's Objections against the Bill of Courts, being drawn up according to the Order of Yesterday, was read, and agreed to by the House, N. C. D. and ordered to be signed by the Speaker, and sent to the Governor, together with the said Bill as now amended, which follows in these Words.

The Assembly's ANSWER *to certain Objections sent from the GOVERNOR and* COUNCIL, *against a Bill proposed by this House for establishing Courts of Judicature within this Province.*

May it please the GOVERNOR,

1. THERE might be just Cause to complain of the Inconveniences of the repealed Law for establishing Courts, but we find ourselves under a great Disadvantage, because the Reasons of that Repeal are concealed from us; nevertheless we have endeavoured to accommodate the Bill now proposed as near as we can to an *English* Establishment, and, we hope, if passed here, may bear the Scan of our Superiors, as well as any Scheme we have seen from other Parts of the Queen's Dominions Abroad.

2. The House, as in Duty bound, will pay all civil Regards to what the Governor thinks fit to recommend, and we shall not object against, but countenance the Council in all their good Advice and Assistance to the Governor in Matters of State; but we can allow them no more Authority in Legislation, that the Lords of Trade seem to do in their Objection to the Law for erecting *Chester* Bridge. We have taken due Notice of the Draft recommended to us by the Governor, and have inserted some Clauses thereof, and supplied the rest in our Bill, which, with Submission, is grounded on the best Constitution we could find, *to wit*, the Common and Statute Laws of England, and not on an Interpolation of the old One, with Additions, unreasonable to be expected: We have also considered and duly weighted King CHARLE'S Royal Charter to the Proprietary, and we are humbly of Opinion, that the Courts, as now circumstanced, and the Discontinuances of all Pleas and Process, occasioned by the said Repeal, with some other Things which might be mentioned, cannot be revived and settled by any Ordinance, without the Concurrence and Authority of a General Assembly.

3. As to the Judges of the Supream or Provincial Court, we agree that they shall hold Pleas of Causes duly removed before them from inferior Courts, as well as Matters of Error and Appeals in Equity; but we see no Cause why they should not be constituted by distinct Patents here as the Judges in *England* and *Wales* are; for if two be absent or indisposed, the third may hold Courts, which may prevent a Failure of Justice: And though Men skilled in the Law, if of good Integrity, are very desirable, yet as the obtaining of such is a Work of great Difficulty, so the continuing them,

when procured, will be both chargeable and uncertain: Therefore, we incline to be content with the best Men that the Province affords, having found no Inconvenience thereby, in above twenty Years Experience, equal to the Difficulties and Hazards which another Method may produce; and we are assured, that this Province affords Men of Knowledge sufficient to judge of Matters arising in so young a Colony; and if they will be concerned in the Magistracy, we shall not reckon the Country abused, and we hope, they will be content with the proposed Salary; and if that falls short, we doubt not but that Provisions will be made to support a good Magistracy, being so essential a Part of this Government.

4. The Bill, as at first proposed, gave sufficient Liberty to remove the Body, in order to be relieved against wrong and arbitrary Imprisonment, tho' not to gratify the turbulent, contentious, lewd and evil-disposed Persons (as the Statute describes them) fearing to be deservedly punished, where they and their Offences are well known; but lest there should be any Grounds left to conclude any Check upon the just Liberty of the Subject, we agree that Causes may be removed from inferior to superior Courts, under the like Restrictions as in *England*, which, we conceive as necessary upon Removals by *Habeas Corpus*, *Certiorari*, *&c.* as upon Writs of Error; and what is objected as an Oppression to the Subject in the one, may also be urged in the other, which we intend to avoid in both, by the Bill as now proposed.

5. We hold it convenient to enumerate what we can of the Powers of the Judges and Justices, to the End that their Commissions and Proceedings may be reduced to as much Certainty as may be, and not left too general.

6. As concerning the putting in of Judges, we propose, as the Governor does, that he should appoint them; but that they should be displaced for Misbehaviour at the Request of the Assembly, is what we do insist upon, as a Privilege vested in the Legislative Authority.

And as to what we propose concerning Prothonotaries and Clerks, we conceive our Bill is well warranted, as well by an Act of Parliament made in the first Year of WILLIAM and MARY, Ch. 2. as by the Common Law, and the Statute of *Westminister*, the Second, Ch. 30 and the Second of HENRY VI. Ch. 10. by all which we find it is held reasonable, that the Judges and Justices should appoint their Clerks and Officers to enter that which the Judges or Justices do adjudge or order; the insufficient doing whereof, makes the Proceedings

of the Justices erroneous, to their Dishonour, as well as to the Prejudice of the Party.

7. That the Court of Equity shall be in the Governor and Council, as by their Scheme is proposed, we hold it very inconvenient; not because the Subject should thereby be try'd by one particular Court only, that may be prejudiced against him, without the Benefit of a Remove, as is supposed of other Courts in the fourth Objection; but for that we would have these Counsellors, like good Centinels and Watchmen, to consult of the Honour, Safety and publick Good of the Province, and leave private Causes to the Justices: And for that End we propose, by our Bill, that the Courts of Equity should be lodged in Commissioners of the Governor's appointing, whereby we prevent the Council here to fall into that Inconveniency, which the Council-Table did, by assuming unto itself a Power to intermeddle in civil Causes and Matters only of private Interest between Party and Party, which the Parliament of *England* thought fit to stop there, and from that Example we think it our Duty to oppose the same Mischiefs here.

8. We hold it best to settle the Practice so far as we can by a Law, rather then leave it to be done by Rules of Court, which, by the Discretion of the Justices, may prove so different and contrary, that he who is conversant with the Practice of the Courts in one County, may lose his Cause in another, for want of knowing the Practice there.

9. We do not find that the last Assembly settled the Power of granting Licences, but that the Rates are only settled, because of the Complaints made of the excessive Charge thentofore of obtaining Licences. But since that Act pass'd, we find that the Law for granting Licenses is repealed by the Queen; wherefore, it is resolved by this House, that so far as the Laws of *England* give the Justices of the Peace there a Power of granting such Licenses, so the Justices here ought to have the like Power; and we understand that it was the Proprietary's Mind formerly, that it should be so in this Province.

10. As to appropriating Part of the Fines to pay off the Justices Fees, our Proposal therein is warranted by a Statute Law of *England*, as well as Usage of other Governments in the Queen's Dominions; and though we are very sensible of what is granted the Proprietary by the said Royal Charter, yet we are of Opinion, that the appointing of Fines and Forfeitures to the Queen, does not take away the Right of the Proprietary (or others to whom he granted Fines and For-

feitures) to claim and have them; but we would avoid our Superior Objection on that Account, which has proved very fatal to some of our Laws, and which the Proprietary, it seems, could not solve but by a Clause in the Surrender.

11. We intend that the Magistrates of the City of *Philadelphia* shall have no more Power in civil Causes than their Charter allows them; and as to what is objected, that their Jurisdiction fines at pleasure, if it be intended thereby, that the Magistrates of *Philadelphia* fine at pleasure in any Cause where the Law does not leave them, as well as other Magistrates, to their Pleasure or Discretion, we take it to be an unjust Imputation upon them.

And we are informed that the Law allows Magistrates of Cities and Towns Corporate in *England* to set the Fines which they are to have themselves.

12. The House cannot agree to this Alteration, because original Writs, by a Law of this Province (not disapproved by the Queen) are to be granted under the Hand and Seal of the Justices; but that all jusicial Writs shall pass under the County Seal, as proposed by the Bill.

13. The House cannot agree to make all Persons subject to Arrests, it being contrary to an Act passed the last Assembly, conformable to the Attorney General's Opinion upon a former Act of that Nature; but as to the Clause for exempting Persons from Arrests, who have not a clear Estate, worth *One Hundred Pounds*, we agree it shall be omitted, and left out of the Bill.

14. We are far from intending to give Liberty for any Debtor to act the Knave; but if we can be informed by sound Reason, why a Man that has an Estate in Lands or Chattels, in any Part of this Province, should be surprized in a County, where perhaps he has no Estate, nor much Acquaintance, and be shut up in Prison among Felons, and deprived of his Liberty, when he has enough in another County to pay, and seeks not to defraud his Creditor; and if it could be shewn, that the Common Law has given any Grounds for such Imprisonment, in a common Person's Case, it would be to the Purpose.

15. As to this Objection, we think it is not well guarded, but would make our Bill import what it does not, and puts a very wrong Construction upon our Intent: What we proposed is by way of Essay to relieve those only who can make their Creditors more secure, and to impower the Magistrates to interpose between a hard-hearted Creditor and an honest

Debtor, and cause a Debt to be well secured that may be lost by the Debtor's dying in Prison, which may be the Consequence of confining him, especially in hot Weather; for the Sheriff or Goaler cannot allow him the Liberty of stepping over the Threshold, but will be liable to pay the Debt. These were the Motives of this Expedient, and we have agreed upon something more than was at first proposed for securing the Creditor in these Cases, which we desire may be duly weighed; and we hope the End of the Law will be better answered by this, or some such like Way of securing Creditors, rather then Debtors should be stifled in Goals, which have no Verge or Liberty belonging to them, and where he that is kept in for Debt, can have nor more Benefit than a Felon.

16. That the Court of Equity, as proposed by the Bill, gives no Colour of Authority for the same Persons to judge twice of the same Cause, for that Matters of Equity being originally begun there, and a Clause particularly obliging them not to intermeddle with Matters of Law in the said Courts of Equity, and our Bill being warranted in that Point by an Act of Parliament, which gives the Judges of the Common Law Power to determine Matters of Equity in the same Sessions throughout the Dominion of *Wales*, we find no Cause to recede from what we have already proposed in that Behalf; and we think that the Agreement of the last Assembly can be no wise binding upon this, unless we can acquiesce with it; and why the Governor and Council should not be a Court of Equity, we have shewn in our Answer to the seventh Objection.

17. As for the Governor's discharging these Officers, we have given our Opinion therein by our Answer to the Sixth Objection, whereunto we refer.

18. As to the Courts of Orphans, we have well considered that Part of the Act relating thereto, and see no Cause as yet to alter it; but if the Governor will propose a better Way for securing of Orphans Estates, we desire he would be pleased to communicate his Thoughts therein to this House.

19. As to the Fees, we desire the Governor to take them into Consideration, being as necessary to be scann'd and settled as the rest of the Bill, the Complaints of several Persons whom we represent calling for a Regulation therein.

20. We hope that our Bill, as now amended, will effectually establish regular Jurisdictions throughout this Province, though not conforming in all Points with that Scheme pro-

posed by the Governor; and if any farther Objections be made thereunto, we desire they may be the Result of the Governor's deliberate Consideration, and this House will readily comply with any Amendment that may improve our Scheme, and the better adapt it to the Circumstances of the Place, and reduce the Proceedings and Practice of the Courts to a greater Certainty, and not prostitute the same to the Pretence or Trial of any Person's Skill and Experience, let his Knowledge be what it will; and if our Superiors will not approve of what we shall so conclude, we will readily submit to their Correction; but if the Governor will think fit, notwithstanding all our Endeavours for a regular Establishment of Courts, to make any Ordinance for that Purpose without the Advice and Consent of the Assembly, we shall be obliged to take such Measures as may be proper for our own Vindication, and to discharge the Trust in us reposed by those we represent.

Signed, by Order of the House, by
DAVID LLOYD, *Speaker.*

The 27th of the Ninth
Month, 1706.

Ordered, That *Griffith Jones, Joshua Carpenter, Francis Cook, William Paxton, John Swift, William Garrett*, and *Joseph Baker*, do wait upon the Governor, and present him with the Bill for establishing of Courts, and the Assembly's Answer to his Objections against the said Bill.

Griffith Jones reported, that he, with the other Members appointed to wait upon the Governor, had delivered him their Message according to Order; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The House took into further Consideration the Resolves agreed on to be drawn into a Bill for a Supplement to the former Acts for raising County Levies; and, after some Time spent in the Debate thereof, the House took into Consideration the Laws lately enacted, and those that remained unrepealed, and the Attorney General's Opinion upon the Former Laws, and the Objections of the Lords of Trade against them.

Ordered, That the Clerk make a List of all the Laws not repealed by the Queen, to the End the same may be better known and distinguished in the Records and Books where they are entered.

A written Message from the Governor, by Way of Reply to the Assembly's Answer to the Governor's Objections

against the Bill of Courts, being brought to this House by *Thomas Story*, and *Richard Hill*, was read, and is as followeth.

From the GOVERNOR *and* COUNCIL *to the Assembly, upon their Answer delivered Yesterday to the Governor.*

THE Governor had Hopes, from the Expectations given him, that the Assembly having taken so long a Time to answer his and the Council's Objections to this Bill, they would have effectually accommodated the Matters in Debate, that so it might pass in good Time, and the Courts be again enabled to do Justice to the Country, that begins now to be much oppressed for want of the Administration of it in a judicial Way. But the House appears, by this Answer, to be so fixt on their own Proposals, as if nothing must be effected, but the Price of granting whatever they request, whether it of Right belongs to them or not. It might suffice to say, that the Governor neither can nor will, by any Means, agree to grant away any of those Rights which indisputably belong to the Governor in Chief and his Lieutenants; such as putting in and turning out of Officers as he shall see Occasion, Fines, and Forfeitures, and the Perquisites arising from the Licencing of publick-houses: Yet, that the House may be fully satisfied that the Governor gives their proposals a deliberate Consideration, as they request, he thinks fit, with Advice of the Council, further to take Notice of each particular Answer, as far as they contain any Thing new or remarkable, but for the rest he refers to the former Objections.

1. The Governor knows of no Concealment of the Reasons for repealing the late Bill, having never heard directly nor indirectly of any that were given. But as the Scheme now proposed by the House differs much more widely from the Constitutions in most of her Majesty's Colonies Abroad, and from an *English* Establishment, than the Bill recommended the House by this Board; so such an One might be much more likely to be approved of in *England* than that now sent up by the House.

2. Considering the Necessity and Service of a Council, and the Power granted them by her Majesty in all her Governments Abroad, they also perhaps deserve some more of these civil Regards than have here been paid them: But if the Assembly would have their Assistance confined to Matters of State only, the Governor is of Opinion, that the passing of a Bill into a Law is so much an Act of State, as it concerns the Queen's and Proprietary's Interest, and the Safety, Well-being and Interest of the Subject, that he be-

lieves he could by no Means answer his acting in such Points without their Advice and Assistance. But when the House, to make use of any Pretence for laying their Power aside, says, "They can allow the Council no more Authority, in Legislation, than the Lords of Trade seem to do in their Objection to the Law for erecting *Chester* Bridge;" which Objection is in these Words, *viz. (The first enacting Clause begins,* Be it enacted by the Authority aforesaid; *whereas there is only the Governor and Council mentioned before)* they are desired seriously to consider, whether it becomes so great a Part of the Legislative Power of a Government as the House of Representatives make, so unaccountably to misuse the Expressions of that Board? The Lords justly tax the Act with an Absurdity, in beginning the first enacting Clause with, *Be it enacted by the Authority aforesaid*, with which no distinct Act can begin: Nor is there any Authority mentioned before the Governor and Council, who no where in the *English* Dominions have or pretend to the Power of Legislation without the Assembly. But it would be an Abuse to common Sense to imagine, that because it is an Objection (if this were the whole of what the Lords hinted) that the Assembly is not mentioned, it is therefore an Objection that the Council is mentioned: This will hold as strong against mentioning the Governor himself in that Act, and then the Assembly would have the whole Power. But this was only a Misprision in the Clerk, for the Council have neither at that Assembly, nor ever since, claimed any Vote in Legislation; or if they did, it is not probable the Lords of Trade would object against it, since in all her Majesty's Governments, immediately under the Crown, they have such Votes. But a Governor would certainly find himself extreamly unsafe without a Council in Affairs of this Kind (since he is accountable for all the Acts he passes) especially where Constitutions, Statutes and Law Books, are quoted to him, if he must rely wholly on his own Knowledge and Experience.

The Bill sent to the House has been proved to agree much better with the best of Constitutions, *viz.* the *English*, than the Bill presented by them, and it is strenuously alledged, that *that* agrees with no known Constitution in the *English* Dominions, but that it seems to be drawn, in the Foundation, from that of the Marches of *Wales*, which, for its Inconveniency, is said to be abrogated by Act of Parliament, and is no fit Precedent to be established in this Part of the World alone.

The Power granted to the Proprietary by the Royal Charter is sufficient to erect all our Courts, and so the best skill'd in the Law in the present House have given their Opinion; yet the Governor would rather choose it should be done by Act of Assembly: But if this cannot be obtained without a much greater Inconveniency, such Measures must be taken as the Governor can best discharge his Duty and Trust by to her Majesty, the Proprietary, and the Country; and if that should suffer, for want of any further Provision, it will belong to them only to answer for it, who are the Occasions of it. The Governor is willing to establish Courts with the Concurrence of the Assembly; he craves no new Grant to be made to him; why then should the Assembly press the Governor to make new Ones, or otherwise halt in the Discharge of their Duty, which now certainly is to open the Current of Justice, as if it were the Merit of an Assembly to divest the Governor of his Power, and render him as useless as they would the Council.

3. Whether distinct Patents, or the same, is a Matter indifferent? But the former Objection still weighs with the Governor. Justice cannot be so duly administered, when the Judges are under no Obligation to Act. The Governor has largely found the Difficulty of this Case: Fit Persons ought to be obliged to do this important Duty, and be paid for it, the Want of which has occasioned mischievous Disappointments in this Government, especially in the Courts of *Philadelphia*. 'Tis a point of Civility in the Assembly to those they represent, to take up such Assurances of their Abilities; but the Governor has certainly, by Experience, found it extremely difficult both to find such Persons, and persuade them to act especially in such Cases as by this Act should be brought before the Provincial Judges, for which Service none but Men of the Law can be qualified.

4. This Alteration makes it much more reasonable, but it should leave the same Room here for bringing Writs of *Certiorari*, as well after Plea as before, as is left by the Act of Parliament from which 'tis copied.

5. This is of no very great Importance either Way, but the other is thought safest.

6. In the rest of the Queen's Governments in *America*, the Officers that have not their Commissions from the Crown, are put in or turn'd out as the Governor finds Cause; and the same Power being in the Governor here, he is resolved not to grant it away; Had the Assembly this Power already

in them, 'tis supposed it would be in vain to intreat them to part with it, notwithstanding all other Governors have it: Why then should they ask what they would not grant, notwithstanding any Precedents that could be pleased for it throughout the rest of the Queen's Dominions in *America.*

7. What is proposed is the Practice of all these Governments (as far as the Board can be informed) in *America:* 'Tis no Advantage to the Governor, but is is every where Abroad thought most reasonable, that those Persons who are particularly chosen to consult in Matters of State, and of the greatest Importance, should be considered as the fittest to judge in Matters of Equity: Neither Governor nor Council have Reason to be fond of this, but as it might render the Board somewhat more considerable in the Eyes of the People, so it might induce the most considerable Persons to engage in it, and thereby be a greater Security to the Country. The present Council here has never pretended to determine Matters in civil Cases, and these Reflections in this Case are unkind; for the Proposal is not that the Council should have that Power as the Governor's Council but as there must be a Court of Equity, and the Governor and Council is made that Court in all others of the Queen's Colonies; what Reason can be given, why the Council here should not be that Court, as well as in other Places? But the Matter in this, as well as some other Cases, seems really to be, that the Aim is to divest the Proprietary and Governor, and all those about them, of Power, otherwise why should Matters in this Province be press'd so differently from all the rest of the Queen's Colonies?

8. This may be left.

9. The Assembly has established the Fees, which it is not reasonable to expect should be given away: The Government is not so well supported as that any Branch, however small, should be parted with: This Method is contrary to the Practice of all Men.

10. 'Tis an Invasion of the Proprietary's Right to attempt it, while the Government is in him: The Lords Objection to that Law was, that it ought not to be passed, it the Proprietary surrendered the Government; which when he does, he must also surrender his Right to all the Fines; but till that be done, they are his; and if the Proprietary took no other Way to solve that, 'Twas because he was then actually upon a Treaty about it; and whenever any such Treaty shall

be concluded, 'twill be properly solved by a Clause, resigning those Fines, *&c.* to the Crown.

11. The Corporation may fine, as other Courts can; but then remedial Writs ought to be allow'd, the denying of which, in another Clause, occasioned that just Objection.

12. 'Tis most proper that it should be as proposed in the Objection, that if it be already settled by a Law, the same Power may alter it in a Case where no body will be injured. only Matters be more regularly settled.

13. The Governor proposed to the House, that fewer Persons than were intended by the Bill, or rather none, should be exempted from Arrest; and to this they answer, that they *agree* there shall be even more exempted than they at first proposed; for that follows upon leaving out that Clause. This Method of *agreeing* is not the Way to bring Matters nearer to a Close: The Governor could have acquiesced with that Part of the Bill, being pleased with so considerable and Amendment, but still wish'd it might yet have been made better, but admires to find it returned worse than before.

14. The Design of Laws of this Nature is to oblige Men to be just, that would not be so without them, for Honesty is the greatest law to itself; 'tis the knavish Part of the World therefore, that in such Cases must be guarded against, and whatever may give such Persons a greater Liberty is dangerous; but a general Jurisdiction would prevent this.

15. An Intention to favour the Oppressed is commendable, but there should be nothing intended by an Act, but what is plainly express'd; for when once in Force, it is not the intention, but the Letter, is pleaded, and that in this Act gave the greatest Knaves as great a Privilege as the honestest Man: Such innovating Essays are dangerous, however commendable the Intention may be. There might some other Objections be made to this Clause, as there being no Provision made for Costs of Suit, the Incongruity of its Sentences, *&c.* But since there is so great a Necessity for dispatching the Business in Hand, such Matters had better be brought into separate Acts, that may be with more Leisure adjusted, especially since an Objection against one single Clause is sufficient at Home to condemn a whole Act.

16. This is spoke to in Number 7, and in No. 2, S2.

17. This is likewise answered before.

18. This will not admit of a Debate at present; if the rest of the Act could be settled, this might be the more easily adjusted.

19. The Governor is very willing to have the Fees settled, but there has been so much Time lost, that it cannot be now done early enough for this Bill. He has nothing against passing an Act for establishing them, but Time must be taken first to hear all the respective Officers, and that is the only Reason of the former Objection.

20. Till these Objections be removed, the Governor cannot assent to the Bill; yet the Courts must be established, which has been fully spoke to, No. 2. 83. The Case is short and plain: The Assembly requests several Things to be granted away from the Proprietary and Governor, which are now his Right, and to this he will not agree: They desire some other new Matters to be enacted, that have not been known before, which the Governor can scarce think safe for the Country, and therefore cannot assent to: If, for these Reasons, they will not join in a Method to establish the Courts, the Matter, it is believed, will indeed want a Vindication: The Governor, however, must, without Delay, see them established; if not with the Concurrence of the Assembly, then by such other Means as are in his Power, and will best answer the Publick Good.

In Answer to the last Clause, it is hoped the Assembly will take no Measures but such as they will be better able to vindicate than their declining to discharge so important a Duty, in case they should still unhappily insist on what they have offered; But, upon the whole, they are desired to consider, that the Business is now to serve the Country at a Pinch, and not a Trial of Skill; and therefore to resolve, that there be no more Time spent, nor Arguments used, upon his Head, but what may immediately tend to bring the Matter, by the shortest Methods, to the desired Issue.

Signed, by Order of the Board,
JAMES LOGAN, *Secretary.*

November 28, 1706.

The ADDRESS of the Representatives of the Freemen of the Province of *Pennsylvania*, presented to the Lieutenant Governor the Thirtieth of *November*, 1706, in Answer to his Message of the Twenty-eight Instant, sent to the Assembly.

May it please the Governor,

WE *have taken thy last Message into our serious Consideration, and as far as the Shortness of the Time would permit, have had due Regard to the several Clauses and Paragraphs thereof: And for Answer thereto, the House thought fit hum-*

bly to offer the following Resolves; which we intreat that the Governor will be pleased deliberately to weigh and consider.

November 29, 1706.

Resolved, That it is the Opinion of this House, N. C. D.

1. That it is the undoubted Right of the Representatives of the Freemen of this Province in Assembly met, to address and advise the Governor to turn out or displace for Misdemeanour, any Magistrate or Officer constituted by the Governor.

2. It is the Opinion of this House, N. C. D. That if any such Magistrate or Officer shall be impeached by the Assembly for official Misdemeanour, such Magistrate or Officer, upon Proof made of such Charge, ought to be removed or displaced at the Instance of the Assembly.

3. It is the Opinion of this House, N. C. D. That Fines and Forfeitures were not granted to the Governor or his Deputy for their own private Use; and that the Fines and Forfeitures proposed by this Assembly towards paying the Justices Fees, are rightly appropriated.

4. It is the Opinion of this House, N. C. D. That though the Governor knows of no Concealment of the Reasons for repealing the late Bill of Courts; yet the Secretary, *James Logan*, may as well conceal them, as he did the Objections of the Lords Commissioners of Trade and Plantations, which he received the Tenth of *December*, 1705, and did not produce the same to the Assembly then sitting, which he ought to have done, before they had passed the Bill that gave a great Sum of Money to the Proprietary and Governor for Support of the Government (which he then was about surrendering) and before they had passed the rest of the Laws then enacted, many, if not most of them, being liable to the same Objections, which were the Cause of repealing the former.

5. It is the Opinion of this House, N. C. D. That the Scheme proposed by the Assembly for establishing Courts of Judicature, is well adapted to the Circumstances of this Province, and is for the most Part warranted by the Common and Statute Laws of *England;* and this House conceives that nothing of Weight hath as yet been advanced against it but what has been already comply'd with by the Assembly; and as concerning the Scheme proposed by the Governor, the valuable Parts thereof are comprised or supplied by the said other Scheme; but as to the Residue thereof, though it may in some Respects agree with Establishments in neighbouring Colonies,

yet inasmuch as it may produce the like Inconveniencies as theirs do, this House rejected it.

6. It is the Opinion of this House, N. C. D. That whosever did advise the Governor that any Part of the Act of Parliament which established Courts in *Wales* is abrogated, unless it be that which made the President and Council there to be a Court of Equity, with a few more Clauses concerning Sheriffs, Jurors, and the Number of Justices, have given pernicious Counsel to the Governor.

7. It is the Opinion of this House, N. C. D. That if a Law could pass here to settle the Court of Equity in the Governor and Council, it might meet with the like Rebuke at Home as that Part of the Ordinance of *Wales* did, which gave the President and Council there the Power of a Chancery; which being a Burden to the Subject, and a Means to introduce arbitrary Power, was suppressed by a Statute made in the first Year of King WILLIAM and Queen MARY, Ch. the 27th; but the Settlement of a Chancery in the respective Counties of *Wales*, being the Foundation of the Assembly's Bill, is established, and hath had constant Allowance since the TIME of King HENRY VIII.

8. It is the Opinion of this House, N. C. D. That though the Governor may advise with what Council he pleases, yet it is not warrantable from that to infer, that such Council should therefore have the like Authority as Councils in Governments immediately under the Crown, where the Queen gives them their Share in Legislation, as well as the Governors, by express Powers, as this House is informed.

9. It is the Opinion of this House, N. C. D. That such of the Governor's Council that joined with him in the said Message, and made Objections to the Bill for establishing Courts prepared by this House, have assumed to themselves a Share of the Legislative Authority of this Province.

10. It is the Opinion of this House, N. C. D. That the reviving of Courts, with the Pleas and Process depending since the Repeal, so highly affects the Queen's Subjects in their Lives and Estates, that it cannot be done by any Ordinance of Governor and Council.

11. It is the Opinion of this House, N. C. D. That if the Governor will think fit, to shew the Assembly wherein the said Bill for Regulation of Courts (now lying before him) is yet defective, or disagreeable to Law or Reason in any Part thereof, the Assembly will spend more Time to consider thereof, and endeavour to comply with the Governor in all Things

consisting with their Duty to the Queen, and Trust in them reposed by the People they represent.

12. It is the Opinion of this House, N. C. D. That all Persons who do, or shall, advise the Governor to re-establish Courts, and revive the Pleas and Process aforesaid by an Ordinance, without the Consent of the Assembly, such advice or Counsel is pernicious to the Governor; and such Advisers are to be deemed as Enemies to the Justice, Tranquility and Welfare of this Province.

13. It is the Opinion of this House, That the said *James Logan* is one of those who advises the Governor to insist upon an Opinion of re-establishing Courts of Judicature in this Province by an Ordinance of the Governor and Council, without the Concurrence of the Assembly, and hath therein given pernicious Counsel to the Governor; for which, as also for his said Concealment of the Objections of the Lords of Trade, he is deemed an Enemy to the Governor and Government of this Province.

14. *Resolved*, That an humble Address be made to the Governor, to remove the said *James Logan* from his Council and presence.

Ordered, That the said Address be transcribed, and the Copy signed by the Speaker, and sent to the Governor, and that *Griffith Jones*, *Francis Cook*, *John Hoodt*, and *Henry Paxton*, do wait upon the Governor, and in the Name and Behalf of this Assembly, present him with the said Address.

They returned, and acquainted the House, that they delivered the said Address to the Governor according to Order.

Resolved, That the Votes and Minutes of this Assembly, till the Adjournment on the ninth Instant, be transcribed and signed by the Speaker, and put in the Coffee-house for publick View; and then the House adjourned till the second Day of *December* next, at Two a Clock in the Afternoon.

The House met, and the Speaker assumed the Chair.

Edward Shippen, and *Thomas Story*, in a Message from the Governor acquainted this House, that the last Resolves of the Assembly containing the Matter of great Moment, and he being under a Necessity of going to *Newcastle*, and finding, by one of the said Resolves, that the Assembly are willing to spend more Time to consider of what the Governor may further propose, by way of Amendment to the Bill of Courts, he is willing that this House adjourn for a Fortnight at the least.

Thomas Story afterwards came and moved the House, that Care may be taken to collect all the Laws which have been enacted in this Province since it was first settled.

Resolved, That the said *Thomas Story* may bring in a Memorial in Writing to that Purpose, and the House will take the same into Consideration; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assumed the Chair.

Several Motions being made, and the Question put, that an Address be prepared, in order to be sent to the Proprietary, laying before him such of the Grievances of the People of this Province as were formerly complained of, with what shall be at this Time represented, wherein Redress cannot be had here? *carried in the Affirmative*, N. C. D.

Whereupon the House having settled and agreed what shall be the Subject Matter of the said Address.

Ordered, That a Committee be appointed to draw the said Address accordingly; and then the House, according to former Agreement, resolved into a Committee of the whole House, to regulate and settle the votes and Minutes of the Assembly not yet published; and, after some Time spent therein, the Speaker resumed the Chair, and *Joseph Wilcox* reported from the said Committee, that the Minutes of this Assembly were inspected, and almost perfected.

A Letter from *George Whitehead*, and others, signifying their Readiness to join with the Proprietary in any Application necessary to be made to our Superiors in *England*, for the publick Good and Service of this Province, and Relief of the Inhabitants, was read.

Ordered, That a Letter be sent from this Assembly to the said *George Whitehead*, and the rest concerned, acknowledging their kind Offers and Advice, desiring their Assistance in those Matters particularly recommended to them by this House; and that the Committee appointed to draw the Address to the Proprietary, do draw this Letter; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assumed the Chair.

The Committee appointed to draw an Address to the Proprietary, reported, that the said Address was prepared, which being read and debated by Paragraphs, and, after some Amendments, and the Question severally put upon each Paragraph, was agreed to by the House, N. C. D.

Ordered, That the said Address be transcribed, and Copies thereof signed by the Speaker to be sent for *England* by several Ways.

The Letter appointed to be sent to *George Whitehead* and others, being also read, and, after some Amendments, agreed to by the House, N. C. D. was ordered to be transcribed, and that several Copies thereof be signed by all the Members of Assembly here present, and sent for *England* by the first Opportunities.

The Petition of *John Budd*, Sheriff elect for the City and County of *Philadelphia*, was again read, and considered, and the Petitioner being sent for to the House, and examined, whether he had taken his Qualifications as the Law directs, in order to execute the Office of Sheriff, according to the Trust reposed in him by the People that chose him? He answered, that tho' he had given Security, and is ready to take the Oaths, and subscribe the Declarations and Tests, as the Law requires, yet he had not a Commission for the said Office: And that the Secretary, *James Logan*, had perswaded him not to insist upon having the said Office in Right of the People's Election; but that if he waved or disclaimed that Right, and would take the said Office as the Governor's Donation, the said Secretary profered his Assistance to procure him a Commission, or used Words to that Effect.

The said *John Budd* being withdrawn, the House came to these following Resolutions, N. C. D.

Resolved, That it is the Opinion of this House, That the Freemen and Inhabitants of the City and County of *Philadelphia*, had Right by Law, to elect a double Number of Persons for Sheriff, to be presented to the Governor, as the Law directs.

Resolved, That it is the Opinion of this House, that *John Budd*, and *Henry Flower*, on the first Day of *October* last, were duly elected: And it appears that they presented themselves to the Governor within two Days after the said Election, to the End that he might commissionate one of them to be Sheriff of the City and County of *Philadelphia*.

Resolved, That inasmuch as the Governor did not think fit to commissionate either the said *John Budd*, or *Henry Flower*, within the Time limited by the Act of Assembly in that Case lately made and provided, it is the Opinion of this House, that the said *John Budd*, being the first named in the Return made by the Judges of that Election, ought to stand and serve in the Office of Sheriff for one Year next after the said Election, according to the said Act.

Resolved, That it is the Opinion of this House, that whoever advised or perswaded the said *John Budd* not to accept of the said Office of Sheriff, in Right of the said Election,

but to take it as the Governor's Donation, hath endeavoured to subvert and betray the Rights and Privileges of the People in such Election.

Resolved, That it is the Opinion of this House, that the said *James Logan*, by advising or perswading the said *John Budd* not to insist upon having the said Office of Sheriff, in Right of the People's Election, but to take it as the Governor's Donation, hath endeavoured to subvert and betray the Rights and Privileges of the People in such Elections; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assumed the Chair.

The Warrants or Orders, drawn by the Speaker of the last Assembly upon *Samuel Carpenter*, Treasurer of the publick Tax and Imposts, which by a Law made at that Assembly were to be raised, being again read, and the House taking Notice of the Uncertainty of the said Orders, and the Difficulty which the Treasurer is under, by reason divers of the said Orders require him to pay the Contents thereof out of the first Monies which shall come into his Hands, by Colour whereof those who have been of a long Time Creditors to the Province may be postponed, whilst later Creditors are preferred: Therefore, to the End that the Payments to be made, upon the said Orders, may be reduced to more Equality and Certainty, and that the Debts of longest Standing, and of most Dignity, may be proportionably satisfied, after the *Eight Hundred Pounds* given to the Governor, and the *Fifty Pounds* appropriated for defraying the Charge of *Indian* Treaties, and other Debts contracted, allowed, and to be allowed, for the immediate Service of the House of Representatives, be paid, the House came to these following Resolutions, *viz.*

Resolved, N. C. D. That the said Treasurer shall pay unto *Patience Lloyd*, the Widow and Relict of *Thomas Lloyd*, late Deputy-Governor of this Province, her Proportion of the Sum of *One Hundred Pounds*, allowed her by the last Assembly.

Resolved, N. C. D. That the said Treasurer shall pay unto the Executrix of *William Markham*, late Deputy-Governor of this Province, her Proportion of the Money allowed her by the last Assembly.

Resolved, N. C. D. That the said Treasurer shall pay unto *Elizabeth Robinson*, the Relict of *Patrick Robinson*, late Secretary of this Province, her proportion of the Money allowed her by the last Assembly.

Resolved, N. C. D. That the said Treasurer shall pay unto *David Lloyd*, his Proportion of the Sum of *Sixty-nine Pounds*, *Five Shillings*, and *Four-pence*, allowed him by the last Assembly.

Resolved, N. C. D. That until the said respective Debts, or Sums of Money, so as aforesaid allowed, be paid by Proportions as aforesaid; and until such other Debts as are, or shall be, contracted for the immediate Service of this or former Assemblies, allowed, or to be allowed, by Vote of the House, be fully satisfied, the said Treasurer shall pay no other publick Debt or Sum whatsoever.

Resolved, N. C. D. That as soon as the said respective Debts or Sums, which are so as aforesaid allowed to the old Creditors, and which are or shall be so as aforesaid contracted for the Service of Assembly, and allowed by Vote of the House, shall be fully satisfied, then the respective Sums allowed by the last Assembly to *Thomas Story*, and *James Logan*, shall be paid proportionably, and not before: And that the Speaker of this House do issue forth his Order to the said Treasurer, requiring him to observe the Method of paying the said publick Debts accordingly.

Ordered, That *Joseph Wilcox*, *William Hudson*, *Joshua Carpenter*, *Francis Rawle*, *Griffith Jones*, and *Francis Cook*, or any two of them, do assist the Speaker in rectifying the Votes and Minutes of this Assembly, not yet rectified and settled by the Committee appointed for that Purpose; and that the same be transcribed and signed by the Speaker, and put into the Coffee-house, with all Expedition; and that the other Counties have Copies thereof, at the Charge of the Province.

Ordered, That the Speaker give *Thomas Makin* an Order upon the Treasurer, for Payment of so much as the Copies of the said Votes, and Minutes of Assembly, and other Writings done for the immediate Service of this House, shall amount to, after the Rate of for every Sheet; and then the House, after the Address to the Proprietary, and the Letter to *George Whitehead*, were signed according to the Order of Yesterday, adjourned till the seventeenth Day of this Instant *December*.

THE House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Ordered, That *Samuel Richardson*, and *Joshua Hoopes*, do wait upon the Governor, and acquaint him that the House is met, and are ready to proceed upon Business, and desire to know if he hath any Thing to communicate to the House.

The said Members returned and reported, that they had delivered their Message; and that the Governor acquainted them, he thought it too late to communicate any Thing To-night, but that he would be in Town early To-morrow Morning. And the said Members further acquainted the House, that *James Logan*, after they had signified to him, that they came to wait upon the Governor, by Order of the Assembly, had affronted them, uttering certain contemptible Expressions, asking one of the said Members, in an upbraiding Manner, Whether he was not ashamed to look him, the said *James Logan*, in the Face? With other unbecoming Expressions, which he then used.

Resolved, That the same is a Misdemeanour, committed in Breach of the Privilege of this House.

Ordered, That the *said James Logan* be sent for, in Custody of the Messenger attending this House, to answer, at the Bar of this House, for the Misdemeanour and Breach of Privilege aforesaid; but that the Lieutenant-Governor be first acquainted therewith, in order to prevent any Misunderstanding between him and the House, who conceive themselves obliged to maintain and defend their own Rights and Privileges, as the Representatives of the Freemen of this Province.

William Hudson, who was ordered to deliver a late Order of the House to the Treasurer, concerning the Manner of paying the publick Debts of this Province, reported to the House, that he had delivered the same accordingly; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Ordered, That *Griffith Jones*, *Francis Cook*, *Samuel Levis*, and *John Swift*, do wait upon the Governor, and acquaint him, that they were ordered by the House again to let him understand, that the Assembly waited to know his Pleasure, and to receive what he hath to communicate concerning the Bill of Courts; and other Bills laid before him by the last Assembly. The said Members are also to acquaint the Governor, that the two Members sent to him, in a Message from the House, last Night, were affronted by the Secretary, *James Logan*, who, in a contemptible Manner, after he knew they came in a Message to the Governor, asked one of the said Members, Whether he was not ashamed to look him, the said *James Logan*, in the Face? With other very unbecoming Words; for which the House expects Satisfaction; but that before they sent for him, they thought fit to acquaint the Governor thereof, as well in Expectation that the Gover-

nor will use Means to prevent the like Indignities for the future, as to avoid any Misunderstanding between the Governor and this House; the Abuse being resented as a Breach of Privilege of this Assembly, in a Matter which seems to touch the Governor's Honour; who was pleased to promise the Representatives free Access to his Person, and all other Privileges of an Assembly; and then the House adjourned till Three a Clock, *post Meridiem.*

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Griffith Jones reported to the House, that he, and the other Members appointed to attend the Governor, with the Message sent from the House in the Forenoon, had delivered the same according to Order.

Thomas Story, and *William Trent*, two of the Governor's Council, brought a written Message from the Governor, and the said *Thomas Story* desired Leave to read the same; which being granted, after it was read, he desired the House to send back the said Message, when the Clerk of the Assembly had copied it. The said Counsellors were desired to withdraw, and the House would consider thereof; and soon afterwards they returned, and were called in, whereupon they acquainted the House, that they had been with the Governor, and that he had directed them to leave the said Message, which being delivered at the Table was read, and is as followeth.

"THOUGH the last Resolves of the House contain many Abuses, Perversions and Reflections upon, and against, the Government, that must of Necessity be animadverted on; yet the Governor, for the Service of the Country, which now deeply suffers by the full Stop that is put to the Current of Justice, is willing to wave at this Juncture that Animadversion, to bring on the Business in Hand, *viz.* the Bill for establishing Courts; and therefore proposes to the House, to proceed on the said Bill, as far as it directly relates to establishing Courts, and no otherwise; leaving out all those Demands of such Things as the Proprietary and Governor are now duly possessed of, for these will by no Means be granted away, and all such other Matters as are not necessary to such a Bill; all which will appear by the Objections already made by the Governor, and sent to the House, and then the Governor will concur with the Assembly in enacting it without further Delay."

Resolved, That the House will enter upon the farther Consideration of the said Message To-morrow Morning; and then

the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Governor's Message, sent to the House last Night, was, according to Order, taken into Consideration; and, after some Debate, and a deliberate Review of the Governor's Objections, whereunto he refers; as also the Assembly's Answer thereunto, with the Governors Reply, and the Resolves of this Assembly, mentioned in his last Message, the House came to the following Resolutions.

Resolved, N. C. D. That it is the Opinion of this House, that the Governor's sixth Objection about putting in and turning out of Officers, is sufficiently answered, and the Assembly see no Cause to recede from their former Resolves upon that Head.

Resolved, N. C. D. That it is the Opinion of this House, that the Power of licensing of common Ale-houses, *&c.* ought to be in the Justice of the Peace here, as amply as it is in the Justices of Peace in *England*.

Resolved, That it is the Opinion of this House, that if the Governor will agree with the Assembly, to allow the Justices Power of licencing Taverns as by the Bill is proposed, there shall be paid him for every Licence to be granted by the Justices of the City of *Philadelphia*, if to sell Wine, *Three Pounds;* if to sell Ale, and all other strong Liquors, except Wine, *Twenty Shillings;* and if to sell Wine, Ale, and other strong Liquors, *Four Pounds;* and for every Licence granted in any other Part of the Province, the Moiety of the respective Rates aforesaid, and that a Clause be put in the Bill for that Purpose.

Resolved, N. C. D. That in case the Governor be pleased to accept of the said Perquisites in Lieu of what is allowed him for Licences by the Act of the last Assembly, it is the Opinion of this House, that the Clause in the said Act, which allows the Governor *Forty Shillings* for every Licence in *Philadelphia*, and *Twenty Shillings* in the Country, and to the Secretary for drawing the Licence and Bond, *Ten Shillings*, shall be repealed.

Resolved, N. C. D. That as to the Fines and Forfeitures, this House refers to the Assembly's Answer to the Governor's tenth Objection.

Ordered, That a Committee be appointed to draw up an Answer to the Governor's Message sent last Night, and bring the same to the House To-morrow Morning; and then the House adjourned till Ten a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Committee appointed to draw an Answer to the Governor's last Message, brought the said Answer to the House, where the same being read and debated, was, after some Amendments, agreed to by the House, N. C. D. and ordered to be transcribed, and signed by the Speaker, and sent to the Governor, together with a Copy of the Resolves of the House upon the said last Message, and is as followeth.

The ASSEMBLY'S ANSWER to the Governor's Message sent to the House of Representatives the eighteenth Day of *December*, 1706.

THE *Governor, at his last going to* Newcastle, *was pleased to send us a Message to this Effect "That forasmuch as in one of our last Resolves sent him, we concluded upon spending more time to consider of what he should further propose, by way of Amendment to the Bill of Courts; therefore the Governor was willing the House should adjourn for a Fortnight:" And so the House adjourned till the seventeenth Instant, at which Time the Assembly expected some farther Proposals of Amendments to the said Bill; but instead thereof, to their great Disappointment, the Governor was pleased last Night to send a Message, containing some general Charges and Aspersions, which they take to be not only unjust in themselves, but considered as given to the Representatives of the Freemen of this Province in Assembly (who, by immediate Powers from the Crown of England, contained in the Royal Charter, are invested with so great a Share of the Legislative Authority of this Province) seems very harsh, and we think without a Precedent, and possibly may administer more just Occasion to be animadverted on, than any of those Votes upon which it reflects.*

The Governor, towards the Close of the said Messages, is pleased to refer to his former Objections, which though the House conceived were sufficiently answered, and therefore expected the Governor had either been near an Agreement with the House, or would otherwise have given his farther Objections, grounded on Law or Reason, as was proposed; yet considering the great Necessity of settling the said Courts, which the House is very desirous should be speedily established; for the Benefit of the Queen's Subjects in this Province, the Assembly have again deliberately considered the Governor's former Objections to the said Bill, and have endeavoured to comply with his Mind, so far as they judge

it consistent with their Duty to the Queen, and the Trust reposed in them by those they represent; but forasmuch as the Governor, in his said Objections, is pleased to suppose the House expects greater Privileges than other of the Queen's Colonies in America, *or would draw something from the Proprietary which is not their Right to expect; the House humbly proposes that he would be pleased to consider, that this Province was not at first settled as some others were, either at the Charge of the Crown of* England, *or of any private Man; nor was it peopled with the Purges of* English *Prisons, but by Men of Sobriety and Substance, who were induced chiefly by the Constitution, which, by Contract with the Proprietary, was to be so established as that the Purchasers and Adventurers were to have greater Privileges than they enjoyed in their native Countries, which, however we have been deprived of, we think the Proprietary, in Duty and Conscience, obliged to endeavour to restore unto us, instead of Surrendering: But if the Governor will be pleased to shew the House wherein the Bill of Courts, as now proposed, contains any Request of Things to be granted away from the Proprietary, which were not either expressly or implicity granted the People formerly by the Proprietary, or which are not consistent with the Practice of* England, *or some of the Queen's Plantations in* America, *the Assembly will then readily comply with the Governor in making such Alterations therein as shall be agreeable thereto. In the mean time, we hope the Governor will better consider than to send an Answer like the former, that he will not agree, because what is expected is granting something from the Proprietary, which is now his Right, seeing all the Assembly have asked is in him to grant or refuse. But the Question will be, whether he ought not in Justice to grant it, seeing it is in his Power? And the like Answer in this House would hardly be deemed cordial by the Governor, in case of the Want of a Supply. However, as it is that Part of the Objections relating to the Perquisites arising by Licences, the Assembly, to shew their Design was a regular Establishment, rather than aiming at any of the Governor's Perquisites, have agreed, by certain Resolves herewith presented thee, to make an Alteration in that Part of the Bill, with an Augmentation to the Governor; but the Fines and Forfeitures the House cannot agree to alter from the Use to which they are already appropriated by the Bill.*

Signed by Order,
DAVID LLOYD, Speaker.

William Trent, in a Message from the Governor, acquainted the House, that the Governor was at the Coffee-house expecting the Assembly's Answer to his last Message.

Ordered, That *John Swift*, and *William Hudson*, do wait upon the Governor, with the said Answer and Resolves.

The said Members returned, and reported, that they had delivered the same to the Governor according to Order; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

A Petition of several Inhabitants of the Townships of *Kennet* and *Marlborough*, in *Chester* County, was brought to the House by one of Members of that County, complaining, that though they are within the County of *Chester*, according to the circular Line lately drawn between them and Newcastle County, and pay Levies, &c. in the said County of *Chester*, yet they are assessed by the People of *Newcastle* for their Lands and other Estate, lying in the said County of *Chester;* and that the Sheriff of *Newcastle* County lately threatened to make Distress upon them, which was read.

Ordered, That Application be made to the Governor by the Assembly, in Behalf of the Petitioners, for their Relief.

And accordingly an Address was drawn, which being read, was agreed to by the House, N. C. D. and ordered to be transcribed, and signed by the Speaker, and sent to the Governor, and is as followeth.

The ADDRESS of the Representatives of the Freemen of the Province of *Pennsylvania*, presented to the Governor on the 21*st* Day of *December*, 1706.

May it please the Governor,

WHEREAS *Complaint hath been made to this House, by and on the Behalf of several Inhabitants of the Townships of* Kennet *and* Marlborough, *in the County of* Chester, *that though by the circular Line lately drawn by Order of the Proprietary, for ascertaining the Bounds of the Counties of* Chester *and* Newcastle, *the said Townships are within the said County of* Chester, *and the Inhabitants pay their Taxes, and do their Services there, yet the People of* Newcastle *County have assessed the Petitioners, and the Sheriff of that County lately threatened to make Distress upon them. Therefore this House, for and in the Behalf of the said Petitioners, earnestly desire that the Governor will be pleased to take the Premises into Consideration, and give the Peti-*

tioners such Relief therein as may quiet them in their Possessions, and rescue them from the Rapine and Violence wherewith they are menaced by the Sheriff of Newcastle *County.*

Ordered, That *Samuel Levis*, *Joseph Baker*, *George Pearce*, and *Francis Chadds*, do wait upon the Governor with the said Address; who returned, and reported, that they had delivered the same to the Secretary, who promised to present it to the Governor.

A Motion being made by *Richard Hayes*, and *John Hoodt*, in Behalf of themselves and other Members of former Assemblies, who have not had the Account of the Days they respectively served as Members of those Assemblies, that the Accounts thereof may be made out, and signed by Order of this House.

Ordered, That the Speaker do sign the said Accounts accordingly, when they are ascertained; and then the House adjourned till the Twenty-third Instant, at Ten a Clock in the Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Ordered, That *Samuel Levis*, *Joseph Baker*, *George Pearce*, and *Francis Chadds*, do wait upon the Governor, and enquire if he hath received the Address they left with the Secretary; and if he hath any Thing farther to communicate to the House about the Bill of Courts.

The said Members returned and reported, that they had spoken with the Secretary, who acquainted them, that the Governor was not come to Town, but that he expected him suddenly; that he had delivered the Governor the Address left with him, and that he supposed the Governor would sent a Reply to the Assembly's last Answer about the Bill of Courts, in the Afternoon; and then the House adjourned till Three a Clock, P. M.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Speaker acquainted the House that the Governor was come to Town, and acquainted him, he intended to send a Message to the House this Afternoon.

Thomas Story, in a Message from the Governor, acquainted the House, that forasmuch as the Governor had given the House an Expectation of a Message from him this Evening, therefore he had sent him to acquaint the House, that the said Message could not be got ready To-night; but would be ready as soon as the House will meet To-morrow Morning.

The said *Thomas Story* also delivered a Memorial in Writing to the House, setting forth the Necessity of collecting the whole Body of Laws (which at any Time have been in Force in this Province) into one Volume, and that the same be recognized as such by this Assembly, which may be a Security so such of the Inhabitants, to whom Lands and Hereditaments, Goods and Chattels, have been disposed or distributed, by Virtue of certain Laws formerly in Force in this Province, and since repealed, which was read, and is as followeth.

To the Representatives *of the Freemen of this Province in* Assembly, *the Twenty-third of* December, 1706 a MEMORIAL. *Pennsylvania, ss.* THAT forasmuch as several Laws have been made in this Province from Time to Time the first Settlement thereof, as well touching the Descent of Lands and Hereditaments, as Disposition and Distribution of Goods and Chattels, by which Estates, real and personal, have accordingly been disposed whilst those Laws remained in Force; but the same, for want of the royal Assent, or by other Means becoming null, yet the Settlements and Dispositions of Estates made by Virtue thereof whilst in Force, if the same should be called into Question in Time to come, might be in Danger, for want of due Proofs that ever such Laws were, there being but little Footsteps of several of them in my Office, their common Repository, nor can a full Remedy to that Defect I humbly conceive be had, without the Assistance of this House: Wherefore, it is recommended to your weighty Consideration, whether a Collection of the whole Body of Laws into one Volume. which at any Time have been in Force in this Province, may not be necessary, and recognized as such by this House; or otherwise, to take such Order in the Premises, as may render the Inhabitants of this Province entirely secure in their Properties, as to any Thing arising from the anulling or abrogating of such Laws as aforesaid?

All which, is humbly offered and submitted, by
THOMAS STORY.

And then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Griffith Owen brought a written Message from the Governor to the House, which was read, and is as followeth.

From the GOVERNOR *to the* Assembly, *the 24th of* December, 1706.

THE Governor in his last written Message to the House informed them, that notwithstanding in their former Resolves there were many Abuses, *&c.* upon and against the Government, which required an Animadversion, yet for the Service of the Publick, he was willing to wave them, to bring on the Business in Hand, *viz.* the Bill of Courts, that the Current of Justice might be opened; and as he was willing to wave all Resentments for so good an End, he hoped the House would have immediately proceeded according to the Method proposed, which he thought was very plain and clear; but in Answer to this, as if they were wholly insensible of any Occasion given, they have more irreverently retorted upon him, and still hold remote from what has been proposed.

The Governor will always continue to insist upon what appears to be the directest Method to finish the Bill; yet, that the House may be more fully convinced of the Occasions given him for those mentioned Remarks, he thinks fit to point out such Passages in their Resolves, as will justly fall under some of those Titles that he gave them.

The Governor assured the House he knew of no Concealment, and the Votes of the House make it appear, that by a Message of three Members to the Secretary, he had before done the same; notwithstanding which, he is charged, and a Parallel brought to support it, which the Governor knows to be groundless.

The last Clause also is a great Mistake; for there are but two Fines in all those Laws last past granted to the Proprietary, but what are for the Support of Government; besides which, no other of these Objections will lie.

Here is Mention made of pernicious Counsel given to the Governor, upon no Foundation; for the Paragraph in the Governor's Message, to which this must be designed in Answer, will admit of no such Thing; the Court of the Marches of *Wales*, only was mentioned by the Governor to be *(as it was said)* abrogated: And this is true; for that Court is suppressed by Act of Parliament, If there were any Mistake in a Matter that is so foreign to us as the Courts of *Wales*, it might have been hinted to the Governor in other Language, than calling it "pernicious Councel given him." And the Assembly, that are generally unacquainted with Things of this Nature, are made to resolve it to be such, N. C. D. Besides, since the Courts in the neighbouring Governments are

erected immediately under the Crown, it looks somewhat too arrogating to say, that "the Governor's Scheme is rejected, to avoid the Inconveniences these Courts produce," and yet mention none of them for the Governor's Satisfaction.

"The House resolves, N. C. D. That if a Law could pass here to settle the Court of Equity in the Governor and Council, it might meet with the same Rebuke at Home as that Part of the Ordinance of *Wales* did, which gave the President and Council a Power of Chancery." That Court was suppressed, because it was found an intolerable Burden to the Subject as it was managed: Yet the Queen, in most, or in all her Governments Abroad, expressly establishes her Courts of Equity in the Governor and Council alone; and therefore, if the same were done here, the old abusive Chancery of *Wales* could be no Objection, since by the Queen herself such Courts are so settled in *New-York*, *Maryland*, *Virginia*, the Islands, *&c.* unless the Assembly would have it believed, that because such a Court of Chancery, for the great Abuses of it, was suppressed in *Wales*, therefore a Court of Equity in the Governor and Council, of *Pennsylvania* particularly, must also be thought equally abusive by the Government at Home, notwithstanding these Courts are so erected by their express Directions in the other Parts of the Queen's Dominions.

This (if any thing at all be intended by it) implies, as if the Governor inferred, that because he may advise with what Council he pleases; "therefore that Council should have the like Authority as Councils have in Governments immediately under the Crown, where they have a Share in Legislation;" whereas in the Answers sent to the House, there is not one Syllable to that Purpose, or leading to such an Answer.

The House taxes the Council with assuming a Share of the Legislative Authority; because, as Council to the Governor, they join with him in advising to such Matters as may be fit to be enacted. By the same Rule, the Attorney General, and divers others in *England*, assume a Power in our Legislation, for they make Objections, which are sent to us, being directed so to do by the Queen; yet it is the Queen there only, whose Authority alone confirms or repeals them. But it is intolerable in the Assembly thus, upon all Occasions, however unjustly (as before about *Chester* Bridge) to attack the Council for their Service to the Publick.

Either this is of no Service at all, or it implies as if such a Thing had been proposed by the Governor, which never was.

The Governor told the Assembly, if they would not concur in a reasonable Law to establish the Courts, he must do it by an Ordinance, for they must be established. The House thereupon resolves, N. C. D. "That whosoever advises the Governor to revive the Process and re-establish Courts by an Ordinance, such Counsel is pernicious, and the Advisers to be deemed Enemies, *&c.*" If this be levelled at such as advise the Governor to revive the Pleas by an Ordinance, it touches no Body, and is then very frivolous; if such as advise him upon the Terms mentioned in his Message, to which these Resolves were sent in Answer, as by the following Resolve seems to be intended, *viz.* that he may re-establish Courts only by an Ordinance, it takes in the Governor, and Council, the last Assembly, the Speaker of this, and the Lawyers of the Place, into the Rank of such Enemies; and what an Animadversion such Language deserves, the House themselves may judge.

"A Member of Council is by Name declared an Enemy, because it is the Opinion of the House, that he is one of those that advise the Governor to insist upon an Opinion (as the Language of the Resolve runs) of re-establishing Courts by an Ordinance; whereas neither he, nor any other Person, advised the Governor to this, if it could be done by a reasonable Law; but if it cannot, it has been the Opinion of all those that have been mentioned, that it must be done by such other Means as are left in the Governor's Power, and so the Governor must proceed to do, however, irreverent the House may shew themselves upon it; But if this Resolve will suit that Member, the House has been already told what follows, and how many are to be taken into the same Rank with him upon this Score.

Upon the whole, too great a Part of these mentioned Resolves are grounded upon Misconstructions, and erroneous Inferences, and carry an Air of Indignity with them, such as perhaps, has never before been offered from any People to their Governor, duly appointed and constituted over them; and therefore too justly merit all the Titles that have been given them in that Message.

These are such Particulars as the Governor was of Opinion ought to be animadverted upon; but, after he has been obliged by the House thus to mention them, he shall be willing to wave all further Notice of them at this Time, and proceed only to what immediately requires the Application of the whole Government to see effected: In order to which, and that all unnecessary Disputes may be laid aside, the House

is desired to consider, that the Privileges of the People consist not in divesting the Governor of Power and Support. The Government of *England*, from whence all our Power is derived, is in itself monarchial, with a just Mixture of whatever else can render it the happiest in the World; and of the same Kind are all the particular Governments in all the Queen's Dominions, saving that, for Reasons obvious to those that know the Story of that Time, the Government of the *Massachusetts* was at first granted principally to the People, But in the royal Charter to the Proprietary, the whole Power of Government is invested in him and his Heirs, and their Deputies alone; requiring only, that the Laws to be passed in this Province, should be by the Consent of the Freemen, to be assembled in such Manner as the said Proprietary should think fit; so that besides this Right of concurring in making Laws, there is nothing further granted to any of the People by that Charter; whatever Power beyond this is claimed, it can be derived from the Proprietary's Grants alone.

The Governor, at his Arrival, found the People possessed of a Charter, by Virtue of which the present Assembly now sits, containing the Frame of the Government, settled solemnly, as he has Reason to believe, between the Proprietary and the People, because, by the Subscription, it is said to be thankfully accepted of by the Assembly then sitting, and was signed, not only by the Proprietary, but by the Speaker of that Assembly, in the Name of all those of the Province (as it is affirm'd) who were then present, and unanimously consenting, and is further witnessed by the Council; this therefore ought fully to conclude; for if the People could alledge that any Thing more was their Due, it ought at that Time to have been fixed and settled, the Assembly then sitting, as the Governor is informed, having fully considered and debated it; or if any Demands, which it is imagined might further have been made, were not then granted, the Governor cannot think it proper for him to intermeddle, or to concern himself further than by Virtue of the King's Letters Patent to the Proprietary, and the Proprietary's Commissions to him, with her Majesty's Royal Approbation, to govern according to that Charter, and the Laws in Force; and to proceed to enact such others as may be necessary for the Country, and neither break in upon the already fixed and established Rights of the Proprietary, or those of the People. But if the Governor should see Occasion to ask a Supply for the Support of Government, he is of Opinion, that there could be no just Parallel drawn, be-

tween granting away a Right or Branch of a Constitution on the one Hand, and the giving a necessary Supply for the present Support of Government on the Other; Government is always to be supported, but not the Constitution of a Government to be always altered, or its Powers lopp'd off, as often as that Support is raised: Were this to be the Method, all Constitutions would be entirely changed in a very few Years, and there would remain no ancient Rights to be asserted; all would be soon bought and swallowed up by the People. who yet would never find themselves the more happy, though they might, perhaps, the more licentious in Government: It might reasonably be thought a very easy Business to establish the Courts by a Law, without raising new Disputes, and contending for Grants of Power, which are not essential to their Constitution, nor were ever in the People for these Twenty-four Years past, since this has been a Colony. The Assembly therefore are desired to consider, whether, at a Time when the Country deeply suffers for want of Courts, and the Administration of Justice; when Violence and Oppression is ready to take Place, and no Man can be secure of his own, further than his Neighbour's Honesty will secure him, it is seasonable, or for the Country's Service, to start and insist on Privileges which were never, to the Governor's Knowledge, disputed here before; and to desire of the present Governor such new Grants to be made, as either were not requested of the Proprietary himself, when these Matters were about being settled, or if they were, it appears he could not think fit to grant them. To make these Hardships on the Governor, with which they may easily know he cannot justly comply, the Terms of procuring a Law only, for the Service of the Country, in which every Individual is, or may be, concerned, shews as if something further were intended than the shortest Method to advance the Good of the Publick.

But to bring on the Matter in Hand, the Governor once more informs the Assembly, and they are desired to take it as his positive Answer.

That seeing he found, at his Arrival, the Power of appointing and removing the Judges and Justices, and divers other Officers, invested in the Governor, and that it has been the Practice in this Province since the Beginning, and is the same in the Governments round us, he cannot agree to part with this Power.

That he cannot grant the Fines and Forfeitures away from the Proprietary, nor appropriate any Part of them to any other Use than immediately to the Support of Government, as they

are generally in the Laws last enacted, *viz.* either to the Proprietary or Governor, for Support of Government, or to the Governor alone, which is near the same.

That notwithstanding the Settlement of Chancery in the respective Counties of *Wales*, which the House says is the Foundation of their Bill, be established, yet the Governor cannot think it proper to take a Precedent from thence for the Court of Equity, but takes the rest of the Queen's Governments to be much more fit for our Imitation, than a Method which makes the same Justices judge twice of the same Cause, first in Law, and then in Equity, But if the House cannot agree that the Court of Equity should be in himself and the Council. he will appoint such particular Judges for it, by Commission, as that by them, and the Provincial Judges, the mentioned Inconveniency may be avoided.

That the Governor cannot agree to any Alteration whatsoever, in the Powers of the Corporation, but must leave the whole as the Proprietary himself thought fit to grant them, and shall still leave it to him alone to make what Additions he shall think fit.

That if the former Method of licensing Publick Houses be not thought sufficient, the Governor will agree, that no Licence shall be valid but what is grounded upon a Recommendation of the Justices or Magistrates in Court; but will not part with the Right of granting them; yet is ready to concede to any Thing that may tend to maintain good Order in Publick Houses more effectually, in a Bill by itself.

As to the rest, since no Consideration will induce the House to quit their proposed Establishment, the Governor, that the Courts, may upon any reasonable Terms be opened again, will not any further insist on the Scheme by him proposed, but leave it to the House to proceed on their own, to which they seem strongly attached; and, besides the above Objections, shall (of those that have already been made) further insist only on the following:

That Writs of *Certiorari* be granted as fully here, as by the Act of Parliament in *England*.

That the Inconveniency of procreating new Law-suits, in favour of Persons taken in Execution, be better guarded against.

That in settling the Fees, the respective Officers be first heard.

Besides which, there will now some few others arise from Matters relating chiefly to the Courts themselves, which the Governor thought not fit to make before, because the Scheme

or Constitution itself, and the Proprietary's Rights, were the chief Matters in Dispute, which when once concluded, the rest, it is hoped, will afford no great Difficulty.

Upon the whole, the House is desired, with as little Delay as possible, to let the Governor know their Thoughts, in such a Manner as may most directly tend to bring the Matters in Debate to the speediest Close: And if any Thing arise in which the House cannot fully satisfy themselves, they may discourse it at a Conference, which the Governor, if they desire it, will either appoint To-day, or at any other fit Time, after To-morrow is over.

Signed by Order,
JAMES LOGAN, Secretary.

Ordered, That the said Message be read again in the Afternoon.

The House being informed that the Votes of the Assembly lately sent to the Coffee-house for publick View, were carried to the Governor;

Ordered, That *William Hudson*, and *George Pearce*, do wait upon the Governor, and desire to know if he hath done with the said Votes, for that the House has Occasion for them, and desire he will be pleased to return them; and then the House adjourned till Three a Clock *post Meridiem*.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Members appointed to wait upon the Governor about the Votes, reported, that they had delivered their Message; and that the Governor answered them, he had already sent the said Votes to the Coffee-House.

The Governor's Message to the Assembly was again read, and, after some Time spent in the Debate thereof, the House resolved to proceed in the farther Consideration of the said Message To-morrow Morning.

Ordered, That a Committee be appointed to draw up a certain Articles of Impeachment against *James Logan;* and then the House adjourn'd till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The House, according to the Resolve of Yesterday, proceeded in the farther Consideration of the Governor's last Message, and, after some Progress made therein, the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Ordered, That a Committee be appointed to draw up an Answer to the Governor's last Message sent to the Assembly.

Griffith Jones, and *John Swift*, having informed the House, that the Charter of Privileges granted by the Proprietary to the first Purchasers and Adventurers into this Province, bearing the Date the Twenty-fifth of the *Second Month*, 1682, was lodged with the late Secretary, *Patrick Robinson*, and that the said Charter is now in the Hands of his Relict and Administratrix;

Ordered, That the said Charter be sent to the House, which was done accordingly; but the same appearing to be cancelled, and some Part of the Writing tore off,

Resolved, N. C. D. That the said Charter, together with the copy thereof, which was brought along with it, be lodged with *Griffith Jones*, for the Service of the Assembly, as Occasion offers. And that this House will make Enquiry, how the said Charter came to be cancelled.

The House taking Notice, that by a late Act of Assembly about *Indian Treaties*, an Account of the said Treaties, and the Charges thereof, is to be laid before the Assembly as often as they shall see Cause to call for the same; and also considering that no Account thereof hath hitherto been rendered since the Commencement of the said Act, notwithstanding the House finds, by the Treasurer's Accounts, that an Order hath already been drawn on him, for Payment of a Sum of Money out of the public Stock on that Account.

Resolved, N. C. D. That an humble Address be made to the Governor, requesting him, that a just Account of such *Indian* Treaties and Messages, as have been since the Passing the said Act, be speedily laid before this House, as also of the Charge thereof; and that the Rules and Orders of the Governor and Council, about regulating the *Indian* Trade, be entered in a Book, whereunto the Subject may have free Recourse; and that Care be taken, that the Persons employed in such Treaties and Visits, be of sober Life, in order to induce the said *Indians* to civil Society, and the Christian Religion.

Ordered, That a Committee be appointed to draw up the said Address, pursuant to the last Resolve, and that *Francis Cook* present the same to the Governor, after it is transcribed, and signed by the Speaker.

Resolved, N. C. D. That Application be made again to the Governor, concerning the Bill for impowering religious So-

cieties to buy and sell Lands, &c. which was laid before him by the last Assembly.

Ordered, That it be an Instruction to the Committee appointed to draw an Answer to the Governor's last Message, to insert a Clause in the said Answer to that Purpose; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Committee appointed to draw the Answer to the Governor's last Message, brought the said Answer to the House, where the same being read, and debated by Paragraphs, was, after some Amendments, agreed to by the House, N. C. D. and ordered to be transcribed.

The Speaker exhibited to the House an Account for drawing Bills and other writings for the immediate Service of this Assembly, and the same was read.

Resolved, That this House will, To-morrow Morning, at Nine a Clock, resolve itself into a Committee of the whole House, to consider of the said Account.

Ordered, That the Request of several Members of this Assembly, who have served upon former Assemblies, and have not yet an Account of the Days they have respectively served; as also the Days of the Service of the Members of this present Assembly, be referred to the Consideration of the said Committee.

Petition of *John M'Comb*, setting forth some Abuses he formerly received from the Lieutenant Governor, and a Copy of his Mittimus, was read, and ordered to be read again.

Ordered, That the said *John M'Comb* be attested to the Truth of the said Complaint, which was done accordingly.

Resolved, That the House will take the said Complaint into further Consideration at their next Meeting; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The House, according to the Order of Yesterday, resolved into a Committee of the whole House, to consider of the Speaker's Account, and other Matters to them referred; and, after some Time spent therein, the Speaker assumed the Chair, and *Francis Rawle* reported from the said Committee, that they had considered the Speaker, *David Lloyd's* Account, and were of Opinion, that he shall be allowed the Sum of *Eighteen Pounds* for his Drawing Bills and other Writings for the immediate Service of this Assembly; which the House

agreed to, and ordered that the Treasurer, *Samuel Carpenter*, do forthwith pay the said *Eighteen Pounds* to the said *David Lloyd*, or Order, upon Sight of a Copy of this Vote, signed by the Speaker.

And the Chairman further reports, that the said Committee had searched the Journal of the House, in order to ascertain the Number of Days which the Members of this, and those of the former Assemblies (who made Application to the Committee) had served, and find that *Thomas Watson* being chosen for *Bucks* County in *October*, 1704, gave his Attendance in the Assembly Forty-nine Days.

That *John Hoodt* being chosen for *Chester* County in *October*, 1704, gave his Attendance in the Assembly Fifty-three Days.

That *Richard Hayes* being chosen for *Chester* County in *October*, 1704, gave his Attendance in the Assembly Fifty-one Days.

That *William Hudson* being chosen for the City of *Philadelphia* in *October*, 1706, gave his Attendance in the Assembly Forty-one Days.

That *Francis Cook* being chosen for the City of *Philadelphia* in *October*, 1706, gave his Attendance in the Assembly Forty-two Days.

That *David Lloyd* being chosen for the County of *Philadelphia* in *October*, 1706, served as Speaker of the Assembly Forty-three Days.

That *Joshua Carpenter* being chosen for the County of *Philadelphia* in *October*, 1706, gave his Attendance in the Assembly Thirty-nine Days.

That *John Roberts* being chosen for the County of *Philadelphia* in *October*, 1706, gave his Attendance in the Assembly Forty-two Days.

That *Robert Jones* being chosen for the County of *Philadelphia* in *October*, 1706, gave his Attendance in the Assembly Forty-two Days.

That *Joseph Wilcox* being chosen for the County of *Philadelphia* in *October*, 1706, gave his Attendance in the Assembly Forty-two Days.

That *Samuel Richardson* being chosen for the County of *Philadelphia* in *October*, 1706, gave his Attendance in the Assembly Forty-two Days.

That *Griffith Jones* being chosen for the County of *Philadelphia* in *October*, 1706, gave his Attendance in the Assembly Forty-two Days.

That *Francis Rawle* being chosen for the County of *Philadelphia* in *October*, 1706, gave his Attendance in the Assembly Forty Days.

That *Samuel Levis* being chosen for the County of *Chester* in *October*, 1706, gave his Attendance in the Assembly Forty-three Days.

That *Richard Hayes* being chosen for the County of *Chester* in *October*, 1706, gave his Attendance in the Assembly Forty-one Days.

That *Francis Chadds* being chosen for the County of *Chester* in *October*, 1706, gave his Attendance in the Assembly Thirty-six Days.

That *Joseph Baker* being chosen for the County of *Chester* in *October*, 1706, gave his Attendance in the Assembly Forty-two Days.

That *Evan Lewis* being chosen for the County of *Chester* in *October* 1706, gave his Attendance in the Assembly Forty-three Days.

That *John Hoodt* being chosen for the County of *Chester* in *October* 1706, gave his Attendance in the Assembly Forty-two Days.

That *George Pearce* being chosen for the County of *Chester* in *October*, 1706, gave his Attendance in the Assembly Forty-three Days.

That *William Garrett* being chosen for the County of *Chester* in *October*, 1706, gave his Attendance in the Assembly Forty-three Days.

That *John Swift* being chosen for the County of *Bucks* in *October* 1706, gave his Attendance in the Assembly Forty-three Days.

That *William Paxton* being chosen for the County of *Bucks* in *October*, 1706, gave his Attendance in the Assembly Forty-three Days.

That *Joshua Hoopes* being chosen for the County of *Bucks* in *October*, 1706, gave his Attendance in the Assembly Forty-three Days.

That *Henry Paxton* being chosen for the County of *Bucks* in *October*, 1706, gave his Attendance in the Assembly Forty-three Days.

That *Samuel Darke* being chosen for the County of *Bucks* in *October*, 1706, gave his Attendance in the Assembly Forty-three Days.

That *Thomas Hilbourne* being chosen for the County of *Bucks* in *October*, 1706, gave his Attendance in the Assembly Forty-one Days.

That *Ezra Croasdale* being chosen for the County of *Bucks* in *October*, 1706, gave his Attendance in the Assembly Forth-three Days.

That *Thomas Harding* being chosen for the County of *Bucks* in *October*, 1706, gave his Attendance in the Assembly Forty-three Days.

And that the Committee desired the Speaker may give Orders to the said Members of this, and former Assemblies, for their Wages allowed by law, for all the said Days they respectively served; which the House agreed to.

The Assembly's Answer to the Governor's last Message being transcribed, and brought to the House, was again read; and upon the Question put, that the same be signed by the Speaker, and sent to the Governor? *It passed in the Affirmative*, N. C. D. and is as followeth.

The Assembly's ANSWER to the Governor's Message of the Twenty-fourth of *December*, 1706.

May it please the Governor,

THIS Assembly, with the Expence of much Time and Labour, having endeavoured to accommodate the Bill of Courts to the Governor's Demands, in all such Points as they find consistent with the Laws of *England*, and our former Establishments, expected his Concurrence, or at least some Proposals for Amendment of what he thought disagreeable or repugnant therein to an *English* Constitution; but we find, to our great Dissatisfaction, Messages filled with Matters very foreign to the Bill, and serve only to divert us from proceeding in order to establish the Courts, and open the Current of Justice, which we have so earnestly laboured for: But inasmuch as the Governor, by his last Message, thinks fit to point out certain Passages in our former Resolves (being, as we suppose them, of the Twenty-ninth of *November* last) to make out some of those Titles he gave them, we find ourselves obliged to take Notice of his Remarks thereon in Manner following.

It is the Opinion of this House, that what the Governor is prevailed with no animadvert upon the fourth Resolve, concerning the Secretary's Concealment of the Objections of the Board of Trade against some of our Laws, will, upon a fair and indifferent Hearing of what we have to say, prove very ineffectual to rectify the Secretary's Mistake in that Matter, which, with some more Articles, that are to be exhibited against him, we intend to lay before the Governor in due Time.

As the Governor's Remark upon our sixth Resolve, we are ready to make good what we formerly voted in that Case; and though the Governor may be drawn, by wrong Information, to patronize such a Mistake, yet the Assembly (as much Strangers as he is pleased to suppose them in Things of that Nature) did resolve it, N. C. D. from the Understanding they had upon their Perusal, as well as Hearing of the Statute at large in that Case.

We do not say that the Governor's Scheme is wholly rejected, as the Message seems to import, but that all the valuable Parts of it are comprized or supplied by our Bill, and the rest rejected for Reasons which we could mention, if that were like to be a Means to accommodate Matters between the Governor and us; but we do not grant it looks too arrogating that we thus express our Dissent to the Governor's Proposal, as long as we have a Suffrage in Legislation.

As to the seventh Resolve, the Governor is pleased to suppose, that the Management of the Court of Chancery in the President and Council of *Wales*, was what rendered it a Burden to the Subject; but we do not find the Statute says any such Thing, though the Management of Courts, in the worst Sense, may have the same Effects here. And what is urged about Courts of Chancery in Colonies immediately under the Crown, can be no Rule to us, for the Reasons we have formerly given; and not only so, but we understand, by several of the Council, as well as many others whom we represent, that they are generally averse to it; which, with the Consideration we have had of the Charter of Privileges, and the former Constitutions of this Province, puts us upon our Duty to insist on the Bill as proposed in that Point.

As to the Remark upon the eighth Resolve, we are still of Opinion, that the Governor's Answer, to which that Resolve is a Reply, did administer just Occasion for the said Resolve: And, to be yet more plain, we conceive that the Objections to the Bill ought not to have come from the Council, unless they had been authorized by the Queen, or allowed by the Constitution of this Government, to give their Suffrage in Legislation: Therefore, we hold it improper for them thus to stand in Opposition to us, by whom they are represented.

As to the Remark upon the ninth Resolve, it is answered in the Opinion of the House upon the eighth Resolve, to which we refer; and shall only add, that we cannot conceive a Parity of Reason in what is mentioned about the Attorney-General, and others in *England*, who are not represented by us, and the Governor's Council, who are so represented: Never-

theless, when they are directed by the Queen to object against our Proposals in Legislation, as the others are against the Laws, we shall think it intolerable to attack them, as the Governor is pleased to suppose (though we cannot grant) that we do by the said Resolve, and not before.

As to the Governor's Remarks upon the tenth and twelfth Resolves, we say, that it was very obvious to the Assembly, when they came to those Resolutions, that the establishing of Courts, and opening again the Current of Justice, for the Relief of the Oppressed (which the Governor, upon several Occasions, declared he, with the Advice of his Council, could do by an Ordinance) must be such an Establishment, as would revive the Pleas and Process; otherwise, instead of a Current of Justice, a Deluge of Oppression would overwhelm the People, by putting them to extravagant Charges in commencing new Actions, as well as endangering the Debts of many, by the Opportunities thereby given for Debtors to abscond, with many more Inconveniences.

And as to that Part of the said Remarks which would render our Resolves to reflect on the Governor, the Council, the last Assembly, the Speaker of this, and the Lawyers of the Place, we take it to be a meer Strain upon our Vote, which admits of no such Latitude; and we are still of Opinion, that whoever advised the Governor to establish Courts in the Sense we understood him, and as is expressed in the said Resolves, are as they are there deemed: And we have further to add, that inasmuch as there is an Assembly ready to join with the Governor in a regular Establishment of Courts, therefore we are unanimously of Opinion, That it is not in the Power of the Governor, by any Ordinance, without the Assembly's Concurrence, to establish all necessary courts in this Province, even in the Governor's own Terms, and as he is pleased to express in his Speech and Message to this House.

And as to the Remark upon the thirteenth Resolve, this is in great Part answered by the last; nor will the Pretence, that it cannot be done by a reasonable Law, be any Excuse, till the Bill, as now proposed by the House, is shewn to be unreasonable, which has not yet been done: But the Governor might also consider, that concealing the Objections of the Lords of Trade, to the Prejudice of the Publick, is a great Ingredient in the said Resolve; and the House has given the Governor no Occasion to suppose they will shew themselves irreverent towards him, however unwarrantable his Ordinance may be. But we think it a great Mistake to conclude, that the

Counsellor, named in our Resolve, will have so many taken into his Rank; for we have enquired of our Speaker, and the other Members of this Assembly, who were of the last, and searched the Journal, and find no Cause to bring them into the Rank; but if any of them have favoured that Opinion of establishing Courts by Ordinance, without the Consent of Assembly (as they do not remember they have) they respectively declare, that since they had the Opportunity of a mature Consideration of the Royal Charter, they can see no Cause to be of another Opinion than they were of when they joined in those Resolves; therefore let that Counsellor stand by himself, till we find fit Company for him.

The Governor has no just Cause to conclude, that the Resolves whereon he thus spends his Animadversions, do merit those Titles he has been pleased to give them; and we see as little Reason for him to take that as an Indignity to himself, which we intend only to introduce a Charge against such, whom we have just Grounds to believe occasioned these Misunderstandings between him and us.

We are very sensible that the Government of *England* is allow'd, by all that understand it, to be the happiest in the World, and that the particular Governments in the Queen's Dominions are so too, when under a good Ministration: And we also know, that the Privileges of the People consist not in divesting the Governor of Power and Support, and we hope no such Thing can be justly charged upon the People here; but, on the other Hand, if a Governor would divest or deprive the Queen's Liege People in her particular Governments, of the Privileges that (by the Statute Laws, which are for the publick Good, as well as by the Common Law, which is their Birth-right) they ought to enjoy, we are clearly of Opinion, that such a Governor cannot expect the People with Chearfulness to support him. And we find by the Statute of the Eleventh and Twelfth of WILLIAM the Third, intituled, *An Act for punishing Governors of Plantations, &c.* that the Parliament of *England* have made good Provisions against Governors oppressing the Subjects, or violating the Laws of *England*, or of the Governments under their Command.

That the People of the *Massachusetts*, in *New-England*, could not pretend to greater Privileges than the Proprietary granted to the Purchasers and Adventurers here, though we do not enjoy them, nor can have a regular Establishment as yet settled; but, waving what may be added here on that Head, being obliged to consider the latter Part of the Paragraph we are now answering, which would leave us no more Power

beyond concurring in making Laws, than can be derived from the Proprietary's Grants alone, we take Leave to inform the Governor, that if the Royal Charter be rightly considered, the Adventurers and Settlers of this Colony are become intitled to other material Parts of that Charter, besides the Right of concurring in Legislation; and if we were but allowed the proper Incidents to this, and have the Powers of Judicature settled according to the Rules of the Common and Statute Laws of *England*, so far as they can be adapted to the Circumstances of the Subject here, we might find a regular Course to rectify Things that are amiss; though, perhaps, such a regular Establishment as we so earnestly press for, would abate much of the Consideration proposed upon the Surrender.

That before we leave this Paragraph, we cannot but observe how it borders upon an Opinion, that the Privileges of the Subject in the Plantations are merely dative, and at the Will of the Prince; which Opinion was formerly propagated in these Parts, though it had been thentofore, as well as since, exploded; and several Authorities of Law have been produced in this House, to shew that the Subjects coming into the Queen's Plantations Abroad, bars not their Claim to their native *English* Rights.

As to the present Charter, which the Governor found in Being at his Arrival, tho' it be far short of an *English* Constitution, yet even that has been violated, by several Inroads made upon it: And if the Governor cannot grant the just and reasonable Demands of the Peoples Representatives, agreeable with an *English* Establishment, there is Cause to conclude that the Proprietary is not fully represented here. And however that Charter was received, yet it was not with such Unanimity as is alledged, because diminutive of former Privileges; neither was it prepared by the House of Representatives, but done in great Haste: And about the same Time another Charter was prepared, and signed by the Proprietary, which ought to have been, but is not yet fully executed, and so the People can have no Benefit thereby.

We cannot conceive it to be a good Reason for the Governor to refuse to intermeddle, as he pleases to term it, because he supposes that that Assembly made no farther Demands, seeing Time and Experience may administer such Occasions as might not then occur, or be duly considered; and when they do occur, is the proper Time to make suitable Provision; and this, we conceive, is neither a breaking in upon the first Establishment, nor a lopping off the Powers of the Government, unless it be such as may admit the same Licentiousness

in Government on that Side, as the Governor seems to fear on the other; and whatever Disparity the Governor apprehends in the Comparison of a Supply, the House is clearly of Opinion, that as the End of Government was the Happiness of the People, more than the Advancing a single Person, so the Governor is as much obliged to endeavour that Happiness, as the People are obliged to support the Government: And in that Sense the Parellel will hold.

We are not striving for Grants of power, but what are essential to the Administration of Justice, and agreeable to an *English* Constitution; and if we have not been in Possession of this these Twenty-four Years, we know where to place the Fault, and shall only say, it is high Time we were in the Enjoyment of our Rights; nor are we justly chargeable with what the Country may suffer for want of a Law to establish Courts, unless it can be justly accounted a Fault in us, at so proper a Season, to insist upon English Right and Establishments; which however the Governor may have forgotten, has, in Part, been formerly insisted on; and to endeavour to cramp the Representatives, in claiming such Rights by Law as are for the publick Good, because the Proprietary has not granted them already (which if he had, there were no Need for a second Demand or because it is made Branches of Law, said to be only for the Service of the Country, which every other Law ought to be, shews as if the publick Good was not to be advanced, but when a private End may also be propogated, and does not justly answer the Design and End of Legislation, which ought always to be proceeded in whenever Occasion is administered.

We do not propose that the Judges and Justices shall be otherwise appointed than by the Governor; but that they may be removed when they are proved guilty of official Misbehaviour, and this is according to Judge *Mompesson's* Draught, which he prepared (pursuant to a Statute made in the last Year of King William's Reign) in order to be put into the Bill of Courts here: And as to the other Officers, we propose, that they shall be placed and displaced by the Justices here, as the Statute of the First of William and Mary, Chapter the second, and other Statutes, as well as the Common Law of *England*, direct the Justices to do concerning such Officers there.

The Clause in our Bill concerning Forfeitures, being in these Words *(All which Forfeitures shall be levied by the proper Officers, and shall go to the Queen and her Successors for Support of this Government)* does not grant them away

from the Proprietary, as we have already observed in our Answer to the Governor's tenth Objection, to which we referred in our last on that Head; and we think fit to add, that the appropriating Fines and Forfeitures to the Queen, does not dispossess the Proprietary, nor his Assigns, nor in anywise deprive them of what Benefit they may claim by the royal Grant on that Account; for this House is informed, that Palatinates and Corporations in *England*, to whom such Regalias are granted, are nowise divested thereof by Statutes that appropriate Fines or Forfeitures to the Crown, because what the Law appropriates, is immediately vested in the Patentee, by Virtue of the royal Grant; so that the Assembly can see no good Grounds for any to conclude or insinuate that they dispossessed the Proprietary or Governor of these Rights: Nevertheless, if the Governor will be pleased to propose a more proper Method of appropriating them, and yet that the Bill may in that Respect be sufficiently guarded against the Objections of the Lords of Trade, which were the Cause of repealing some of our former Laws, or that it may not fall in the general Overthrow upon the Surrender, which we understand the Secretary has strenously pressed the Proprietary to, we shall be willing to consider of it; for we can assure the Governor, that the appointing the Fines to the Queen, was only to guard against former Objections in that Behalf.

As to the appropriating any Part of the Fines and Forfeitures to any other Use than immediately to the Support of Government, the Assembly conceives they have not otherwise appropriated any of them; only they think those Parts of the Government which shall be immediately supported therewith, should be exprest, and not left in general Terms; and therein our Proposal is warranted by the Laws and Practice of the best of Constitutions, *viz* the *English*, and therefore the House cannot recede from that Part; but if, by leaving it in general Terms, the Governor designs to convert all the Fines and Forfeitures to his own private Use, the House having before given their Opinion, that it was not the Intent of the royal Charter they should be so employed.

As concerning the Settlement of the Court of Chancery, we refer to our former Resolves upon that Head, and shall only add, that the Court of Equity has been constantly held in the respective Counties of this Province since the first settling thereof, and never objected against before, that we know of; and the Expedient proposed by the Governor, will rather

multiphy Courts, than avoid the Inconveniences; therefore we can see no Cause to recede from our former Opinion.

As to the Corporation, the Governor has been answered already, that we intend them no more Power by the Bill, that what is proper to the Jurisdiction granted them by Charter; and yet if the Bill proposed more (provided it exceeded not the Powers of Corporations in *England*) we are of opinion, that in regard they bear so great a Share in the Support of this Government, as well by the Land Tax, as the Impost and Excise, the Governor should consider, whether he be not under an Obligation, in Point of Justice, to grant it them? And this Objection we thought had been over before, however it came to be started here anew.

What the Governor proposes to agree to about licencing Publick-houses, we conceive it is no more but what the last Charter of Privileges imports, though it has been eluded by contrary Practices; and we are of Opinion, that all the Proclamations the Governor has been pleased to issue against Vice, &c. neither have been, nor will be, so effectual, as the Method proposed by the Bill, to regulate and reduce those Houses, which, together with the Countenance our Proposal receives by the Practices of *England*, is sufficient for us still to insist upon it.

We are no otherwise attached to our proposed Establishment, than as we conclude it in the Main to be grounded upon an *English* Constitution; and as to the three Particulars the Governor farther insists on, for the two first, we are of Opinion, that sufficient Care is already taken; yet if the Governor will agree with the rest of the Bill, and will propose wherein these Particulars are short and defective, the House will farther consider them, and agree to any reasonable Amendment which the Governor shall be pleased to propose.

And for the other, about hearing the Officers, the House has in Effect heard them, by having their own Proposals or Demands, which were sent in to the last Assembly, and were well considered before, that Part of the Bill passed this House; so that we conceive nothing remains in that Case, unless to require of the respective Officers an account of the Fees they now take; but if the Governor, after the rest of the Bill is agreed on, can inform the House that sufficient Provision is not made for the Officers in any Respect, the House will augment their Fees, if they appear to be too scanty.

Upon the whole Matter we propose, that since the Governor has not been pleased (though desired in our last) to inform the House wherein the Bill is disagreeable to an *English* Es-

tablishment, or the Rights and Privileges the Purchasers and Adventurers were to have by former Contracts, Concessions and Charters, made by the Proprietary (which were the principal Motives and Inducements of their Removal from their Habitations there, and which they never forfeited, nor were legally dispossessed of) nor will agree with the House to pass the Bill as proposed, but is so positive in refusing to grant what we think is our just Right to demand, we must acquaint the Governor, that we are heartily sorry our earnest Desires and Endeavours for the Publick Good, should (by his Refusal to grant us our Rights, or to concur with our just Proposals, grounded as aforesaid) be rendered abortive, and shall rest satisfied, in that we have faithfully discharged our Duty to the Queen, and the Trust reposed in us by those we represent: And to the End that the Governor may yet take what we have laid before him into further Consideration, before the Matters in Difference be ripe for a Conference, we incline to adjourn for some Time, and attend the Governor again when he thinks fit to give us Notice; and in the Interim, we earnestly desire the Governor to descend to some Result upon the Bill for impowering religious Societies, *&c.* to buy and sell Lands, which was laid before him by the last Assembly, and highly affects all those Societies who are not of the Community of the Church of *England*, though proper Objects of the Queen's Indulgence.

Ordered, That *William Hudson*, and *Francis Cook*, do wait upon the Governor to present the said Answer in the Name and Behalf of this House.

Ordered, That *Griffith Jones*, *Joseph Wilcox*, *Joshua Carpenter*, *Francis Rawle*, *William Hudson*, and *Francis Cook*, be a Committee to peruse the Votes and Minutes of this Assembly, since the twentieth Day of this Instant, to the End the same may be made ready to transcribe, in order to be signed by the Speaker, and published in the respective Counties; and that the same Committee do peruse the Address about the *Indian* Treaties, before it is signed and sent to the Governor.

The Speaker is desired to assist the Committee in drawing up Articles of Impeachment against *James Logan*, in order to be brought to the House when they meet again.

Ordered, That *Thomas Makin* shall have an Order upon the Treasurer, signed by the Speaker, for so much as his Writing for the immediate Service of this House may come to, at the usual Rate *per* Sheet, to be paid forthwith.

Ordered, That *Nicholas Rosogans*, Door-keeper, shall have an Order under the Speaker's Hand upon the Treasurer, for

Payment of *Three Shillings* and *Six-pence*, being due to the said *Nicholas* for his immediate Service to this House, since the Twenty-ninth Day of *November* last.

Resolved, That the House adjourn till the tenth Day of the Month called *February* next, unless the Governor see Cause to require their Attendance sooner.

The humble ADDRESS of the Representatives of the Freemen of the Province of *Pennsylvania*, met in Assembly the 28th Day of *December*, 1706, presented to the Lieutenant-Governor of the said Province.

May it please the Governor,

WE *understand that the good Purpose of the Proprietary to induce the savage Natives, by gentle and just Manners; and civil Society, and Christian Religion, was a great Motive to his obtaining the Royal Grant for this Province.*

That the last Assembly (considering the great Importance it would be to the Peace and Welfare of the Inhabitants of all these the Queen's Dominions, that a Friendship be settled and continued between her Subjects and the native Indians *of these her Dominions; and that they may not only be confirmed in the Interest of the Crown of* England, *and alienated from that of our Enemics, but also be induced, as much as may be, by a kind and obliging Treatment, to embrace the Christian Religion) did (amongst other Things) enact, that all necessary Treaties should be had and made with such* Indians, *and their Nations, and all necessary Messages to them should be ordered by the Governor and Council for the Time being, at the Charge of the Publick, any Sum not exceeding* Fifty Pounds per Annum, *to be defrayed upon a Warrant from the Governor and Council, by the Provincial Treasurer for the Time being; under this Proviso, That a just Account of all such Treaties and Messages, with the Charges thereof, shall be laid before the Assembly, as often as they shall see Cause to call for the same.*

We find by a Copy of an Order of Governor and Council, of the 25th of June, 1706, *that a Treaty had been theretofore had with the* Indians of Connestogoe, *&c. at* Philadelphia, *and that the Secretary had laid before the Council Board an Account of the Charge of that Treaty, amounting on the Debtor Side to* Thirty-six Pounds, Two Shillings, and Five-pence, *and on the Credit to* Thirteen Pounds, Seventeen Shillings; *which Account being examined and approved of by that Board, the Treasurer was ordered forthwith to pay the Ballance, being*

Twenty-two Pounds, Five Shillings, *and* Five-pence, *out of the* Fifty Pounds per Annum *allowed by the Assembly for that Purpose. But inasmuch as we do not find that any Account of The said Treaty has been hitherto laid before the Assembly; therefore we desire that a just Account of the same, and of all other Treaties had and made with the* Indians, *as also of the Messages to them, pursuant to the said Act of Assembly, with the particular Charges thereof, may with all Speed be laid before this House.*

And, for the better answering the true Intent of the said Royal Grant, and what we hope was the Design of the above recited Act, we earnestly desire, that the Governor and Council will admit of no Treaties with the Indians, *but such as may directly tend to the Honour of God, the Interest of the Queen, and the publick Weal of her People in these Parts; and we request, that the Occasions and Motives of all the said Treaties and Messages, as also the Names of the Persons who are, or shall be, licenced by the Governor to trade with the* Indians, *together with all the Rules and Orders of the Governor and Council for regulating the* Indian *Trade, may be entered in a Book, whereto the Subject may have free Recourse, to the End that such as transgress the said Rules may be brought to Punishment. And that the Persons concerned from Time to Time in the said Negotiations, as well as those who are, or shall be, admitted to trade, or reside amongst the* Indians, *may be such as demonstrate their Christianity by a sober and virtuous Conversation, which, in our Opinion, will be the best Way to induce the savage Natives to embrace the Christian Religion, and will most effectually engage and confirm them in the interest of the Crown of* England, *and render them serviceable to this Province in general: But on the other Hand, if Men employed or concerned in* Indian *Treaties or Trade, will take those Opportunities to exact upon, or defraud, the* Indians, *and commit such vile Abominations with them (as, we are informed, some have done, to the great Scandal of Christianity) the poor Heathen will have too much Cause to conclude, that it is better to remain in their natural State, than advance towards the Christian Religion, especially if they conclude, that the Professors thereof will give them no better Examples, than we understand some have done, both lately and formerly, in their* Indian *Visits. And moreover, we are of Opinion, that if such of the* French *Nation as have been at* Canada, *and hold Correspondence there, be not restrained from trading with, and residing amongst, the* Indians,

all our Endeavours to engage them in the Interest of the Crown of England, *will be to little Purpose.*

Signed by Order of the House, N. C. D. per
Tenth Month 28, 1706. DAVID LLOYD, Speaker.

And then the House adjourned till the tenth Day of the *Twelfth Month* next.

Twelfth Month, 3, 1706-7.

THE Governor having ordered the Sheriffs of the respective Counties of this Province, and the City of *Philadelphia*, to summon the Assembly to meet this Day; the major Part of them met accordingly; but a competent Number to proceed upon Business not being present, those who were met, agreed to meet again at Nine a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Divers of the Members who now appeared excused their Absence Yesterday, by reason they had no Notice of the Governor's Orders till the Evening before.

Ordered, That *William Paxton*, and *Francis Cook*, enquire of the Secretary, whether the Governor be in Town? And if he be, that the said Members acquaint him, that the Assembly are a full House, ready to proceed upon Business, and to receive what he hath to communicate to them.

The said Members returned and reported to the House, that they had Enquiry of the Secretary for the Governor, who acquainted them he was not come to Town: Whereupon the House adjourned till Two a Clock this Afternoon.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Secretary, *James Logan*, brought from the Governor an Account of a Visit formerly made by the said Secretary, and others, to the *Indians* of *Conestogoe*, at *Susquehannah*, and also a Treaty, with the Charge thereof, between the Governor and the said *Indians*, at *Philadelphia*, in *June* last, which was read, and ordered to be read again.

John Guest, and *Thomas Story*, two of the Council, in a Message from the Governor, acquainted the House, that the Governor expected the Assembly to attend him at the Council Chamber: And accordingly the Speaker, with the House, went to wait upon the Governor, who having a Speech prepared, was pleased to read it to the Assembly; after which they returned, to the House, and the Speaker having assumed the Chair, made report, That the Governor's Speech being long,

and in Writing, he could not make a particular Report thereof, therefore he had moved that the Governor would be pleased to give the Assembly a Copy of it; who was pleased to answer, that if the House desired it, he would consider of it.

Resolved, N. C. D. That a Copy of the said Speech be desired forthwith.

Ordered, That *Griffith Jones*, and *John Swift*, do wait upon the Governor, and acquaint him, that the House desire a Copy of the said Speech.

The said Members returned and reported, that the Governor would consider their Message, and send an Answer to the House immediately.

Edward Shippen, and *John Guest*, two of the Council, in a Message from the Governor, acquainted the House, that the Governor intended the Assembly should have a Copy of this Speech in due Time, but at present desired the House would consider of a Conference about the Bill of Courts, which he proposed might be To-morrow Morning, or in the Afternoon; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Ordered, That *Samuel Richardson*, *Joshua Hoopes*, and *Joseph Baker*, do wait upon the Governor, and acquaint him, that forasmuch as by his Message last Night he was pleased to propose a Conference upon the Bill of Courts, which this House is inclinable to embrace, provided the Subject Matter thereof be first settled and agreed upon; therefore the Assembly propose that the Governor will be pleased to acquaint the House with the Particulars, which are to be the Subject Matter to be debated on at the said Conference, with the Reasons of the Governor's Objections to the said Particulars, and the Time and Place, when and where to be held, whether with the whole House, or a Committee; which being intimated and settled as aforesaid, the Assembly will be ready to comply with whatsoever may be proper, on their Parts, to answer the Governor's Expectation in the Premises.

The said Members return'd and acquainted the House, that they delivered their Message to the Governor according to Order, who promised to send an Answer to the House immediately.

William Rakestraw, being admitted Clerk of the Assembly, and by Agreement, to be allowed *Six Shillings per Diem*, out of the Provincial Stock, was attested to Secrecy; and then the House adjourned till Two a Clock this Afternoon.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

John Guest, one of the Council, brought a written Message from the Governor, which was read, and is as followeth.

THE Governor proposes the Bill of Courts, as last sent up to him, to be the Subject of the Conference, but more particularly, those Heads mentioned in the latter Part of the Governor's last Message to the House in Writing, sent on the 24th of *December* last, beginning at the Paragraph mentioning, that the Power of appointing and removing of Judges and other Officers, was invested in the Governor at his Arrival, *&c.* and from thence to the End of that Paper.

Most of the Reasons for these Objections have been mentioned already, and being to be debated the Conference itself, it is improper to give them in Writing now, because this would be to disappoint the very End of the Proposal, which is to accomodate the Matter by Discourse, if possible, without further Loss of Time, it is desired with the whole House To-morrow, at Two in the Afternoon, at which Time Notice shall be given of the Place.

Resolved, That the House will enter upon the Subject Matter of the said Conference To-morrow Morning; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

According to the Resolve last Night, the House entered upon the Consideration of the Subject Matter of the Conference intended with the Governor this Day in the Afternoon, which being fully debated, the House adjourned till Two a Clock *post Meridiem*.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

A Petition of several Freemen, Inhabitants of the City of *Philadelphia*, complaining of the Want of Employment, and Lowness of Wages, occasioned by the Number of *Negroes* belonging to some of the Inhabitants of the said City, and others, who being hired out to work by the Day, take away the Employment of the Petitioners, to their great Discouragement; and praying that Provision for Restraint of so many *Negroes* as are at present employed be made by the House, was read, and ordered to be read again.

Edward Shippen, in a Message from the Governor, acquainted the Speaker, that the Conference was appointed to be at the said *Edward's* House.

And accordingly the Speaker, who was appointed chief Manager, went with the whole House to attend the Governor at the Conference; and, after some Time spent therein, the House returned, and the Speaker assuming the Chair, reported, that according to this Day's Order, the Assembly had attended the Governor at the Conference upon the Bill of Courts, and the first Point that came under Consideration, was that Part of the said Bill relating to the Removal of the Judges of the Supream Courts; but in regard the Statute to which that Clause refers could not then be produced, it was agreed that that Point should be waved at present, and that the other Part about commissionating of Judges, should be proceeded on; and the Speaker further acquainted the House, that he having at their Request undertaken to argue the legal Part of the said Bill, being tired with standing up at every Response he was forced to make, at length kept his Seat when speaking, which so far displeased the Governor, that he required him to stand up; but the speaker considering he was at a free Conference, upon Matters of Legislation, wherein the King's Letters Patents makes the Concurrence of the Governor and Representatives equally necessary, looking upon what the Governor required at this Conference to be inconsistent with the Freedom allowed to former Assemblies upon the like Occasions; and though he was willing to pay all civil Regards to the Governor, and had expressed the same to the Governor, yet he was not in this Case to be commanded or directed but by the House, and that he conceived the Governor's exerting his Commands at a free Conference, trenched upon the Privileges of this House; therefore he thought it proper to break up the Conference for the present, and to return to the House for their Direction concerning the further Proceeding in the said Conference.

Whereupon the House taking the Premises into Consideration, they are sorry any Misunderstanding should happen at the said Conference between the Governor and the Speaker, to the obstructing the important Business at this Time depending; but they are of Opinion, that it was more prudent in the Speaker to withdraw at that Time, than that the Difference should have been carried to such a Height as might have terminated in unseemly Language.

Ordered, That *Griffith Jones*, *Joseph Wilcox*, *Samuel Richardson*, *William Hudson*, *William Paxton*, and *Francis Rawle*, do wait upon the Governor, and acquaint him, "That the House is very sorry the Conference should be stopped, or any Misunderstanding should have happened between him and

the Speaker; that the Speaker keeping his Seat, was not (as he had informed the House) with Design to offend the Governor, but purely for his Ease; and that seeing sitting at a free Conference was what had been allowed in this Province before, the Governor would be pleased not to be offended thereat but to favour the Speaker with the like Liberty, being the Person chiefly depended on to manage at the Conference; but that the House think it more proper, that the said Conference should be proceeded in by a Committee of the Council, or such others as the Governor shall be pleased to appoint, and a Committee, equal in Number, to be appointed by this House; which, if the Governor thinks proper, the House earnestly desire may be proceeded in without Delay."

The said Members returned, and reported, that they had delivered their Message to the Governor, who was pleased to assure them, that he would consider of it, and send an Answer to the House To-morrow Morning early; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Ordered, That *Francis Rawle*, and *Henry Paxton*, do wait upon the Governor, and desire to know if he has considered of the Message sent to him by the House last Night.

The said Members returned, and reported, that they had delivered their Message to the Governor, who was pleased to acquaint them, he would send an Answer to the House immediately.

Samuel Carpenter, and *Richard Hill*, two Members of Council, brought a written Message from the Governor, in Answer to the Assembly's written Message sent him last Night, which was read, and is as followeth.

"THE Governor is also sorry, that at such a Juncture the House should, without any Occasion given, put an End to the Conference, which he is, notwithstanding, willing should be continued; but seeing the House declares, that they gave no Directions to their Speaker to misbehave himself in that Point in which he did, and from whence he took the Occasion, the Governor expects they will now give him Direction to behave as he ought, and that he shall first acknowledge his past Error; for as the Governor is in this Government the Queen's Representative, he thinks himself obliged to assert her Majesty's Authority, and require a due Regard to be paid, and especially in a Point where it is so necessary to

the Dignity of publick Order, as established and maintained by the Practice of all other Governments."

Resolved, That the House will enter upon the Consideration of the Governor's Message at Two a Clock in the Afternoon; and then the House adjourned till two a Clock *post Meridiem*.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

According to Order the House took into Consideration the Governor's Message sent in the Forenoon; and, after the same was debated, the Speaker having assured the House he had no Design to offend the Governor.

Resolved, That an Answer be sent to the Governor, and that he be desired to proceed with the Conference; and to acquaint him with the Satisfaction the Speaker hath given the House; also to propose, that for the greater Freedom of Debate, the said Conference may be by Committees of the Assembly, and such of the Governor's Council, or others, as he shall appoint; and that the said Answer be put in Writing, and sent by two Members of the House, which was done, and is as followeth.

ORDERED, *That* Ezra Croasdale, *and* William Garrett, *do wait upon the Governor, and acquaint him, that as the Assembly have shewn their Readiness to obey his Commands, in convening before the Time appointed by their own Adjournment, so the promoting and advancing the publick Good was and is their only Aim, and more particularly the Bill of Courts, which inclined the House so readily to embrace the Governor's Proposals of a Conference thereupon, and to wave all Resentments for the present, which the Harshness of the Governor's Message this Day, as well as his late Speech (whereof we have yet no Copy) may justly occasion; which, with our Request last Night for Continuation of the Conference, we hope is a sufficient Demonstration of our sincere Intentions in the Premises; and that we are in earnest desirous that the Courts of Judicature should be again opened, for the Relief of the Oppressed; and as we were sorry the Conference broke off as it did, we are also glad to find the Governor's Readiness to continue it.*

As to the Misunderstanding which happened betwixt the Governor and the Speaker, who was by the Appointment of the House the only Manager (in relation to the legal Part of the Bill) he has given the House Satisfaction, that his keeping his Seat, whilst Speaking at the latter Part of the Conference, was meerly for his Ease, and not with any Design to offend the Governor; neither could he conceive it an Of-

fence, being a Privilege allowed formerly here on the like Occasions, and never objected against (that he knows of) therefore, had Reason to expect the same Civility now; but, instead thereof, the Governor commanded or required him to stand up, or that little Notice would be taken of what he said; whereupon the Speaker considering he was upon a free Conference, upon Matters of Legislation, wherein the King's Letters Patents make the Concurrence of the Governor and Representatives equally necessary, though, as he exprest, he was willing to pay all civil Regard to the Governor, yet he was not to be commanded or directed upon that Occasion but by the Assembly; so that he judged it proper to break up for the present, and return to the House, in order to take their Directions in the future Management of the Conference, which, the House is of Opinion, was more prudent, than that the Misunderstanding (like to be occasioned) should have been aggravated to such a Height, as to have terminated in unseemingly Language: Therefore we humbly propose, to avoid the like Misunderstanding for the future, that more Time be not lost, but that the Conference may be carried on, and the Preliminaries that should have been first agreed upon, be forthwith settled and adjusted, which, if the Governor pleases, we propose to be with a Committee of this House,, and an equal Number of the Governor's Council, or others, as he shall think fit to appoint; and this House insist upon, to the End only that they may speak their Minds with more Freedom; and withal, they are informed it is not the Practice in other Provinces, that the Governor should be present at free Conferences.

And then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The two Members appointed last Night to attend the Governor with the Assembly's written Answer to his last Message, reported to the House, that they had delivered the same to the Governor this Morning.

Ordered, That *Nicholas Rosagans*, Door-keeper of the Assembly, go to *John Finney*, and acquaint him, that his Attendance is required at the House forthwith.

Ordered, That *Joseph Baker*, and *George Pearce*, do wait upon the Governor, and desire to know if he hath considered the Assembly's last Answer, and what he intends in relation to the Conference; and that they request him to be as expedious as possible, for that it being the last Day of the Week,

divers of the Members, who live in the Country, desire to go to their respective Habitations.

The Door-keeper returned, and acquainted the House, that *John Finney* is come, and ready to attend the House.

The Members appointed to wait upon the Governor returned, and acquainted the House, that they had delivered their Message; and that the Governor told them, he would send an Answer to the House immediately, and therefore desired the House would not adjourn.

John Finney being called into the House, the Speaker acquainted him, that the House supposing they might speedily have Occasion to direct some Warrants to the Sheriff, and having heard he had resigned his Office, has sent for him to know if that Report was true or not. Who whereupon assured the House, that he had not resigned his said Office.

Caleb Pusey, in a Message from the Governor, acquainted the House, that the Governor would send his Answer to the House at Two a Clock in the Afternoon; and then the House adjourned till Two a Clock, P. M.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Ordered, That *John Hoodt*, and *Thomas Harding*, attend the Governor, and acquaint him, that the House do again desire his Answer to the Assembly's last Message.

The said Members returned, and acquainted the House, that the Governor told them, he would send an Answer from that Board, but had not signified when the same should be sent to the Assembly; nevertheless they waited till Five a Clock, and nothing being sent from the Governor, the House adjourned till the tenth Instant, at Two a Clock, P. M.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Richard Hill, one of the Governor's Council, brought a written Message from the Governor, which was read, and is as followeth.

From the Governor *to the Assembly*, February 8, 1706.

"THE Governor expected that his Message to the House, sent Yesterday in Writing, would have appeared so mild and reasonable, that it would be impossible to find in it any Matter for Resentment; all that was required being only, that the Speaker should acknowledge his past Error, and that Directions should be given him to avoid the like for the future: But seeing the Assembly, by their written Message of this Day, have thought fit to plead for, and

defend, the Speaker's disrespectful Behaviour, and his bringing a Conference, appointed upon a Business of such great importance to so abrupt an End, without any other Occasion given, than that after he had for a long Time together kept his Seat when he spoke, he was, for the Sake of Decency and good Order, as well as his Duty, required to stand when speaking, as all others there did; by which the House instead of disallowing his Conduct, seem unhappily to involve themselves as Parties with him; and further, from the King's Letters Patents, which here, as in all others of her Majesty's Governments, make the Assent of the Freemen necessary in Legislation, seem to infer an Equality between the Queen's Representative and the People's; the Governor thinks her Majesty's Honour and Dignity, which he is obliged to assert, so nearly concerned in the Point, that he cannot now wave the Affront without a suitable Satisfaction; and must inform the House, that none of her Majesty's Subjects in this Province can be exempted, by their being in the Assembly, from their Duty and Obedience to the Government, in a Point that makes no Infraction on their Privileges; that whether a Member sit or stand when he speaks, is no Part of the People's Privileges; that it is no Privilege of any Representative of the People, either in *England*, or elsewhere, to sit when he speaks to the Superior of that People; that the Governor, having the chief command of all the People in this Province, is theirs, and therefore the Representatives Superior, and in Behalf of her Majesty our Sovereign, must exact their Duty and Respect; that the Speaker of the House can have no more Authority in his own Person at a Conference, than any other Member, and that when any particular Respect is there shew'd him, it is only of Courtesy; that in such Points, where there is no special Privilege, he is under equal Obligations with any other Person, and the Governor expects, that not only the Speaker, but all others, shall behave themselves accordingly.

If the House will in this Point discharge their Duty, the Governor is very ready and desirous the Conference should be continued, and, upon this Occasion, thinks himself obliged to be present at it himself; but if, for the Sake of defending a particular Person's Contumacy, of which the Governor cannot now, in regard to her Majesty's Authority, wave taking Notice, they shall neglect the Interest of the Publick, so deeply concerned in the Bill, which has been so long before us, the Government must, without further Loss of Time, proceed, by Virtue of the Powers with which he stands

invested, to discharge his Duty, in opening the Way to publick Justice again."

Signed by the Governor's Order,
James Logan, *Secretary*, and *Cl. Con.*

Ordered, That the said Message be read again To-morrow Morning; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Governor's Message, sent to the House last Night, was again read, and, after some Time spent in the Debate thereof, the House came to certain Resolutions, which are comprised in the Answer to be sent to the Governor by two of the Members of this House, and is as followeth.

ORDERED, *That* Samuel Richardson, *and* Joshua Hoopes, *do wait upon the Governor, and acquaint him, that we are very sensible, that by his being commissionated by the Proprietary, and receiving the royal Approbation, with other necessary Qualifications required by Law, he may be deemed the Queen's Representative, and justly demand Superiority over the People of this Province, and in that State the Representatives of the People are to address him, and to sue for Justice against evil Ministers; and in all Matters, wherein the Governor, by Virtue of his Lieutenancy, had Power of Judicature, we hold it our Duty, so far as our Circumstances can admit, to comply with what he may reasonably direct; but in Matters meerly legislative, we conceive, without the least Derogation to the Governor's Honour, that the royal Charter gives us a concurrent Power with him; so that we are free Agents to propose what we think fit to pass into Laws, which the Governor, by Virtue of the legislative Authority, may reject, or disallow; and so may this House, by the same Authority, dissent from what the Governor thinks fit to propose legislatively: And when it happens that the Governor and the House of Representatives differ in Opinion upon any Point relating to Legislation, it is proper that free Conferences, should be had; and in these Conferences, we are humbly of Opinion, it would be convenient and necessary, that the Governor allow the like Freedom as the Lords Committee do to the Commons, who, in their free Conferences, sit at a Table, where everyone has Freedom of Speech and Gesture, without being under the Check of a Chairman, as we are informed; and as such Conferences are necessary, so the Method and Manner of them ought to be settled. But that the Bill of Courts, which has*

been with so much Care and Pains prepared by this House, and so long stuck at that Board, being of such Importance to the Country, may be brought to some Result, we are willing to confer with the Governor, when, and where, he pleases to appoint; and we shall give such Instructions to the Managers on our Part, as, we hope, shall give him no just Occasion of Offence: And as to what happened at the last Conference, we desire that the Governor may be satisfied, as we are, that the Speaker's keeping his Seat when he spoke, at the latter Part of the Conference, was not with Design to offend or affront the Governor; therefore we do entreat the Governor, to pass it by, and go on with the Conference, which so highly concerns the publick Good; and that nothing expressed by us, in relation to that Misunderstanding, should be deemed or construed to extend to the Defence of any disrespectful Behaviour, which, we assure him, neither was, nor is, the Intent of this House.

The said Members returned, and acquainted the House, that they had delivered their Message to the Governor, according to Order; and that the Governor was pleased to tell them, he would consider of it.

The Resolves of the House on the nineteenth of *October* last, relating to a Bill for a supplementary Act to the *Act*, formerly passed, *for raising County Levies*, being again read;

Ordered, That *John Swift*, *John Hoodt*, *Francis Rawles*, and *William Hudson*, be a Committee to draw the said Bill; and then the House adjourned till Two a Clock *post Meridiem*.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

John Guest, and *William Trent*, two Members of Council, brought a written Message from the Governor, which was read, and is as followeth.

"THE Governor is extremely desirous the Conference should be continued without Delay, in hopes that what he has long and most earnestly pressed, may be effected by it; but as the Subject of the late Messages is now brought very nearly to concern her Majesty's Authority, he cannot pass it over, without some further Satisfaction in the Point; and, to avoid Lots of Time as much as is possible, must briefly acquaint the House, that the Power granted to the Assembly of dissenting in Matters of Legislation, which is not disputed, being no more in this Province, than the Commons enjoy in *England*, and the rest of her Majesty's Governments, no nearer Equality can be inferred from thence here, between the Governor and Governed, than in those Governments. What

is alledged of a Conference between Committees of the House of Parliment in *England* (were what the House advances exactly true) will by no Means hold parallel in the Case in Hand, unless it were first proved, that those Lords appointed for the Committee had in themselves at other Times the chief Command over the Commons: That the Governor finding himself obliged to assert the Queen's Authority and Dominion over her Subjects, cannot give Way to any Allegations or Pretences whatsoever, that plead for the Equality mentioned in his last preceeding Message to the House, and which theirs of this Day still seems to support (tho' in other Points more smoothly expressed) but must insist on it, that in all matters, where the real Privileges of the House are not infringed, a due Deference shall be paid by all Persons under his Government to that Authority with which he is invested: That the Speaker's Behaviour at the Conference, however it might at first be intended, was at length affrontive to that Authority, and accordingly the Governor expects he shall acknowledge it, by Order of the House, and that they will take effectual Care that the like be avoided for the future; upon which the Governor will be very ready, without any Delay, to proceed to the Conference. And to this the direct Answer of the House is immediately required."

Signed by the Governor's Order,
JAMES LOGAN, *Secretary*, and *Cl. Con.*

February 11, 1706-7.

A Motion being made by the Speaker for Leave to exhibit his Farther Answer for his own Vindication, in Relation to his Management and Behaviour at the said late Conference, which being granted, and the said Answer delivered at the Table, was ordered to be read, and is as followeth.

I AM heartily sorry that what happened at the Conference, should create this House so much Trouble: You are my Witnesses, that I paid my Regards to the Governor, and stood up when I spoke, till it was concluded we could not proceed any further upon the first Point till the Statute could be produced; and seeing it was too late to send for it, and thinking our Stay at the Conferenece would be of little Service without it, I put up my Papers, intending to return to the House; but some of the Governor's Council pressing to go on with the next Point, before the first was brought to a Close, I thought it improper to say much in answer to them on that Head; and being tired in rising so often as I did before, to answer so many Opponents, I kept my Seat, and

spoke something in answer to those Councellors whilst sitting, which the Governor was pleased to resent, and required me to stand up; but considering that we came there in Expectation of a free Conference (as I informed the House before) tho' I was willing (as I told the Governor) to pay all civil Respects unto him, yet in this Case I thought myself under the Direction of this House, and not to be commanded by any other upon this free Conference, I shall readily acknowledge, that standing up at Conferences, as well as in other Councils, is a Decency, even amongst Equals; and yet I do not conceive that it was ever enjoined, but to the End that the Person standing may be heard, and that the rest may not interrupt; so that I do declare, that it was, and is, my positive Judgment, that if the Governor thinks fit to be present at such Conferences, and there exerts his Commands upon any Manager, or other Member of this House, such Commands are inconsistent with the Freedom of such Conferences, and affrontive to this House: And if I am mistaken, I desire this House to construe it as the Error of my Judgment, and not of my Mind: And I can solemnly declare, that my refusing to comply with the Governor's Humour (for so I conceive it to be, when he exerts his Commands where he should not) was not with a Design to affront him, but to shew my Dissent to that which I thought had a Tendency to frustrate the Freedom of Conferences; not knowing, if I complied with this, whether the next Command would not more highly affect the Rights and Privileges of this House, which I am conscientiously concerned to assert and maintain every where; and if in this Case I have done any Thing unbecoming the Station you have put me in, I shall freely submit to your Censure.

A motion being made, and the Question put, That the Governor's Message sent this Day, with the Speaker's farther Vindication, he debated in a Committee of the whole House? *It passed in the Affirmative*, N. C. D.

And accordingly the House resolved into a Committee of the whole House to consider thereof, the Speaker being withdrawn, and, after some Time spent therein, the Speaker returned, and assumed the Chair, and *Griffith Jones* reported from the said Committee, that they were come to several Resolves, which he reported to the House, and are as followeth.

Resolved, That it is the Opinion of this Committee, that Members of Assembly, appointed to manage Conferences, are accountable to the House, and not elsewhere, for their right or wrong Management in such Conferences.

Resolved, That seeing before the late Conference no Rules nor Orders were enjoined the Speaker, or other Manager, in relation to Modes or Gesture of sitting or standing, whilst speaking at the Conference, the Committee are humbly of Opinion, that the Speaker, who kept his Seat at the latter Part thereof, whilst speaking, cannot, with Colour of Justice, be censured for Mismanagement, or otherwise for Breach of any Rules or Orders of the House.

Resolved, That it is the Opinion of this Committee, that forasmuch as standing up whilst speaking before the governor is a decent and convenient Posture, that therefore the Speaker's sitting whilst speaking was inconvenient; and that due Care ought to be taken, that the like Inconveniency for the future be avoided.

Resolved, That the Governor be desired to proceed with the Conference forthwith, or pass the Bill of Courts, it being the Opinion of the Committee, that the Matters now under Consideration, however high the Governor may strain them, are not of sufficient Weight to retard or obstruct the publick Good. To which Resolves the House agreed.

Ordered, That an Answer be drawn up in Writing, according to the said Resolves, and that *Joshua Carpenter*, and *Henry Paxton*, do wait on the Governor with the said Answer To-morrow Morning, which is as followeth.

The Assembly's ANSWER to the Governor's Message of the Eleventh of *February*, 1706-7.

ORDERED, *That* Joshua Carpenter, *and* Henry Paxton, *do wait upon the Governor, and acquaint him, that tho' we hoped our last Answer would have given full Satisfaction in relation to the present Misunderstanding, occasioned by the late Conference, yet finding by his Message just now sent to the House, he expects some farther Acknowledgements, the House has thought fit to signify, that the Speaker having submitted himself, in relation to his Deportment at the said Conference, to the Censure of the House, as to the Place where he is properly accountable for any Mismanagement there; and the House having considered, that no Rules or Orders were enjoined him, or the other Managers, in relation to Modes or Gestures of sitting or standing whilst speaking, as not apprehensive of the Consequence, cannot, with colour of Justice, censure him for Mismanagement, or otherwise for Breach of any Rules or Order of the House: But forasmuch as standing up, whilst speaking before the Governor, is acknowledged by us to be a decent and convenient Posture, we have censured the Speaker's*

sitting whilst speaking as he did, to be inconvenient; and had we in the least forseen the Consequences, and that the Governor would have resented it as he did, would have taken Measures to have avoided it; and how we have resolved for the future, our late Answer will shew. But seeing the Speaker has submitted to the Judgment of the House, and satisfied us that it was not with Design to affront the Governor, we hope the Governor will consider, and accept of our Proceedings and Acknowledgements in the Premises, as full Satisfaction, being the ultimate we can give, and, without Delay, proceed with the Conference, or otherwise pass the Bill, it being the Opinion of this House, that the Matters now under Consideration, however high the Governor may strain them, are not of sufficient Weight to retard or obstruct the publick Good.

And then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Members appointed to attend the Governor with the Answer of the House to his last Message, reported, that they had delivered the same according to Order.

Ordered, That that Part of the royal Charter to the Proprietary, relating to the Establishing of Courts of Judicature in this Province be again read, which was done accordingly; and then the House adjourned till Two a Clock, P. M.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Ordered, That the List of the Laws of this Province not repealed, as also those which are repealed, with the Objections of the Lords of Trade, and Attorney-General, be read, which was done accordingly.

A Motion being made, that the Consideration of such Laws as have been repealed, and are not yet re-enacted, be referred to a Committee of the whole House? *It passed in the Affirmative.* N. C. D.

And accordingly the House resolved into a Committee of the whole House, to consider what Laws were necessary to be re-enacted; and, after some Time spent therein, the Speaker assumed the Chair, and *Joseph Wilcox* reported from the said Committee, that they had agreed to present to the House a List of the Titles of certain Laws, which having been repealed by the Queen, and none enacted in their Stead since repealed, they were humble of Opinion were necessary to be re-enacted in such Manner, as that the said Laws might not be liable to the Objections which occasioned the Repeal of the former;

which List being presented and read to the House, is as follows.

An ACT *to prevent immoderate Fines: An* ACT *to oblige Witnesses to give Evidence, and prevent false Swearing: An* ACT *for Priority of Payments: An* ACT *against Manacing, and Assault and Battery: An* ACT *for the Names of the Months: An* ACT *to prevent Sale of ill tan'd Leather: An* ACT *that no Publick-house be kept without Licence; and an* ACT *concerning Trials by twelve Men.*

Resolved, That the said Laws are necessary to be re-enacted in such Manner as the Committee have proposed; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Ordered, That *John Swift*, and *Evan Lewis*, do wait upon the Governor, and desire to know if he intends any Reply to the last Answer sent him from this House.

The said Members returned, and reported, that they had enquired of the Secretary for the Governor; who informed them he was not come to Town, but he supposes he will be here suddenly, and then the House may expect an Answer.

James Logan brought a written Message from the Governor, which was read, and is as followeth.

GENTLEMEN,

I HAVE, since my Arrival in this Place, met with so many Failures in Point of Civility, that for my own Part I should be extremely backward in resenting them, where I could have Reason to believe they were not so intended; and had your Speaker, upon my taking Notice of his Indecency in keeping his Seat, but altered his Carriage in it, this Week would have been saved to the Country, which now, by his Obstinacy, is intirely lost, since that you have brought the Matter more particularly to concern her Majesty's Authority in Government, upon Account of which, I thought myself chiefly obliged to insist upon Satisfaction; which, seeing you now inclinable to offer, in censuring the Speaker's Behaviour upon his Submission to the House, which ought at first to have been done; that you and all reasonable Men may be convinced, that I am unwilling to have one Hour lost that may be laid out in the Country's Service, I again offer you a Conference upon these Terms: That at the Opening thereof, I do require that the Speaker shall, with due Submission, in his own Behalf, and by Order of the House, acknowledge the Irregularity of what is past; to which, if you fully agree, I shall expect your At-

tendance this Afternoon at Three a Clock, at the Treasurer's House, where, till this be done, I cannot think it by any Means proper or safe for me, in the just Discharge of my Duty and Trust, to proceed to any further Debates; a full Compliance wherewith I immediately expect to be satisfied of, by a Message from your House; which only can, notwithstanding any Pretences, convince the weakest Judgment you are desirous, in earnest, to serve the Publick now in Necessity.

JOHN EVANS.

Ordered, That *Samuel Richardson*, and *Joshua Hoopes*, do wait upon the Governor, and acquaint him, that the Speaker is willing, at the Request of the House, and for the Dispatch of the Business in Hand, to make the like Acknowledgment to the Governor, at the Time appointed for the Conference, as he has done to the House, the Substance whereof is contained in our last Answer.

The said Members returned, and reported, that they delivered their Message according to Order; and that the Governor will send his Answer to the House immediately.

James Logan brought a written Message from the Governor in answer to the Message sent him by the House this Day, which was read, and is as followeth.

"THE Terms I offered the House this Morning for a Conference this Afternoon, is the very least that can amount to a Satisfaction, which I do, and shall, expect as is there required, without the least Evasion."

JOHN EVANS.

Ordered, That *Griffith Jones*, and *Francis Rawle*, do wait upon the Governor, and acquaint him, that the last Message was the ultimate Resolve of the House without any Evasion, and that they cannot go farther upon that Head; therefore, if the Governor will be pleased to continue the Conference, the House will attend him at the Time and Place appointed this Afternoon; and then the House adjourned till Three a Clock *post Meridiem*.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Members appointed to attend the Governor, to know whether he will be pleased to continue the Conference intended this Afternoon, reported, that they had delivered their Message according to Order; but did not find the Governor inclined to continue the said Conference, unless the House would fully comply with the Terms he had proposed.

Ordered, That *Joshua Hoopes*, and *John Roberts*, do wait upon the Governor, and acquaint him, that since the Governor does not think fit to accept of the Satisfaction proposed in answer to his written Message this Day, we again desire him either to confer with a Committee of this House, or give us his Result upon the Bill of Courts, shewing us wherein the same, or any Part thereof, is inconsistent with the Law or Reason, as we formerly desired; for this House is willing to concur with the Governor in any reasonable Amendment, without further Conference.

The said Members returned, and reported, that they had delivered their Message to the Governor according to Order; who was pleased to tell them, he was heartily sorry the House could not answer his Proposals, and that he durst not put it up upon any other Terms than as he had proposed, looking on it as an Affront to the Queen; adding, that he did not desire to infringe the Liberty of the meanest Member of the House; yet that he must take such Measures as he thought most fit.

The Committee appointed to draw the Bill for a supplementary Act to the Law formerly made for County Levies, brought in the said Bill to the House, and the same was read, and ordered to be read again; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The House took into Consideration the Governor's Message since the late Conference, and especially that Part of divers of them, wherein he is pleased to charge the House with affronting the Queen, in defending the Speaker's Deportment and Behaviour at the said Conference; which the House knowing themselves to be wholly innocent of, or so much as having the least Intention to offend or affront so good and gracious a Princess, whose Favour they value above all other Privileges;

The House, after having debated the Matter of the Charge contained in the said Messages, considering they had (out of an earnest Desire to proceed with the Conference, in order to remove the Governor's Objections, and to pass the Bill of Courts) been wanting to themselves, in making such a just and reasonable Vindication in that, and other Particulars, as their innocent Cause required, came to the following Resolves.

Resolved, That a Remonstrance be drawn, and sent to the Governor, in order to clear the House from the unjust Imputations contained in his late Messages, whereby he endeavours to

represent the Assembly as Contemners of the Queen's Authority, and to render them obnoxious to her Displeasure.

Resolved, That in order thereunto, a Narrative of the Substance of the Matters which passed at the said Conference, as also of the Messages and Answers between the Governor and this House, on Occasion of the Speaker's Deportment there, shall be contained in the said Remonstrance,

Resolved, That after the said Narrative be drawn up, and a Review had of the Messages, as also of the Governor's unreasonable imposing upon the House, by requiring what the Assembly cannot comply withal, and making such Compliance the Terms of continuing the Conference, that a just Vindication be made of the Rights of the House, and a Defence from those unjust Imputations which the Governor hath endeavoured to cast upon the Assembly, and to clear them from all Misrepresentations contained in said late Messages.

Ordered, That a Committee be appointed to draw up the said Remonstrance according to the said Resolves, and bring the same to the House To-morrow Morning; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Bill for a supplementary Act to the Law formerly made for raising County Levies, was read a second Time, and committed.

The Committee appointed to draw up the Remonstrance, came and acquainted the House, that the greatest Part of the said Remonstrance was drawn, but that they had not yet quite finished it, and therefore desired farther Time to effect it, which was granted.

Ordered, That that Part of the said Remonstrance which is drawn, and now brought into the House, be read, which was done accordingly; and, after some Amendment, agreed to by the House, N. C. D. And then the House adjourned till the Eighteenth Instant, at Two a Clock, P. M.

The major Part of the Members of Assembly met; but in regard a competent Number to proceed upon Business appeared not, the Members present agreed to meet again at Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Committee appointed to draw the remaining Part of the Remonstrance, brought it to the House, where the same was read; and, after some Amendments, upon the Question put, was agreed to by the House.

Ordered, That the said Remonstrance be all read again, which was done accordingly, and is as followeth.

The REMONSTRANCE *of the Assembly, delivered to the Governor the nineteenth Day of the Month called* February, 1706-7.

May it please the Governor

WE the Representatives of all the Freemen of the Province of *Pennsylvania* in Assembly met, having with all possible Dispatch and Application prepared a Bill for establishing Courts of Judicature, presented the same to the Governor about the Seventeenth of *November* last; and, after we had spent much Time in debating and answering what was advanced against the said Bill, at length the Governor seemed to reduce his main Objections to these following Particulars, *viz.*

1. In the first Place, he objects against the Judges holding their Offices during good Behaviour, and against their being displaced at the Request of the Assembly, and against the placing and displacing of the Clerks and Prothonotaries here as in *England*.

2. He objects against appropriating the Fines and Forfeitures to the Queen, and against the Court of Equity to be in every County.

3. He objects against that Part of the Bill which impowers the Justices here to grant Licences as Justices of the Peace do in *England*.

To which Objections, as well as some other Things, which the Governor disliked in the Bill, we gave in our Answer on the Twenty-eighth Day of *December* last, and earnestly desired him to consider thereof in the Time of our Adjournment.

That on the fourth Instant we met again, and being sent for to the Governor, we attended him accordingly; whereupon he was pleased to read a long Speech to us, containing much Harshness and severe Reflections upon our Proceedings, and though we desired a Copy thereof, yet cannot hitherto obtain it.

That on the fifth Instant the Governor desired a Conference with us about the Bill, which we agreed to, desiring that the Subject Matter thereof might be first settled; but inasmuch as Time would not then admit to stand long upon Preliminaries, and that nothing on our Part should retard the Passing of the Bill, we went to the Conference on the sixth

Instant, and entered immeditaely upon the Debate; but our Speaker having at our Request, undertaken to augue the legal Part of the said Bill, being tired with standing up so often to answer the Governor and his Council, at last kept his Seat, which so far displeased the Governor, that he required him to stand up; but the Speaker considering, as he reported, that he was at a free Conference, upon Matters of Legislation (wherein the King's Letters Patent makes the Concurrence of the Governor and Representatives equally necessary) looking upon what the Governor required to be inconsistent with the Freedom allowed on such Occasions, thought fit to break up the Conference at that Time, and return to this House for Direction concerning the further Procedure in the said Conference.

That before the House adjourned, a Message was sent to the Governor to this Effect, *viz.* That we were sorry the Conference should be stopped upon any Occasion whatsoever; but forasmuch as we could not remember that former Governors had taken Exceptions to the Speaker's keeping his Seat at a free Conference, but rather pressed him thereunto, after he had paid his civil Regards to the Governor; therefore the House desired the Governor would be pleased to continue the same Practice in the Conferences of this Assembly; or otherwise, that he would appoint a Committee of his Council, or such other Persons as he shall think fit, to meet a Committee of the Assembly, by whom the present Conference might be managed.

That in answer to this Message, the Governor was pleased to resent the Speaker's Conduct at the Conference to be a Misbehaviour; insisting, that as he is in this Government the Queen's Representative, he thinks himself obliged to assert her Majesty's Authority. In answer to which Message, we assured the Governor, that our Speaker had given the House Satisfaction, that his keeping his Seat, whilst speaking at the latter Part of the Conference, was merely for his Ease, and not with any Design to offend the Governor; and that he returned to the House, in order to take their Directions in the future Management of the Conference, which we conceived was more prudent, than that the Misunderstanding, like to be occasioned thereby, should have been aggravated to such a Height, as to have terminated in unseemly Language: Therefore we proposed to the Governor, that to avoid the like Misunderstanding for the future, and that more Time be not lost, but that the Conference may be carried on, and the Preliminaries (that should have been at first agreed upon) be

forthwith settled and adjusted, which we desired to be by a Committee of this House, and an equal Number of the Governor's Council, or others as he should think fit to appoint; and this we insisted upon, to the End only that we might speak our Minds with more Freedom; and that we were informed, that it is not the Practice in other Provinces that the Governor should be present at free Conferences.

That on the tenth Instant we received another Message from the Governor, wherein he multiplies his Charges against us, insisting upon his Superiority over us, and the People we represent; letting us know how he expected that we should behave ourselves at the Conference, which he was willing to continue upon the Terms he there proposed, and be at it himself. In answer to which Message, we acquainted the Governor, that by his being commissionated by the Proprietary, and receiving the royal Approbation, with other necessary Qualifications required by Law, he may be deemed the Queen's Representative, and justly demand Superiority over the People of this Province, and in that State the Representatives of the People are to address him, and to sue for Justice against evil Ministers; and in all Matters wherein the Governor, by Virtue of his Lieutenancy, has Power of Judicature, we hold it our Duty, so far as our Circumstances can admit, to comply with what he may reasonably direct; but in Matters merely legislative, we thought (without Derogation to the Governors Honour) that the royal Charter gives us a concurrent Power with him; so that we are free Agents to propose what we think fit to pass into Laws, which the Governor may reject, and so may we, by the same Authority, dissent from what the Governor proposes legislatively; and when it happens that the Governor and the House of Representatives differ in Opinion, in a Point relative to Legislation, it is proper that free Conferences be had, where every one may have Freedom of Speech and Gesture, without being under the Check of a Chairman, and as such Conferences are necessary, so the Method of them ought to be settled; but that the Bill of Courts, which has been with so much Care and Pains prepared by us, and so long stuck at that Board, being of such Importance to the Country, may be brought to some Result, we are willing to confer with the Governor when and where he pleases to appoint, and we shall give such Instructions to the Managers on our Part as shall give him no just Occasion of Offence.

And as to what happened at the last Conference, we desired the Governor may be satisfied, as we are, that our Speaker's

keeping his Seat when he spoke at the latter Part of the Conference, was not with Design to offend or affront the Governor; therefore we intreat the Governor to pass it by, and go on with the Conference, which so highly concern the publick Good, and that nothing expressed by us, in relation to that Misunderstanding, should be deemed or construed to extend to the Defence of any disrespectful Behaviour which we assure him neither was, nor is, the Intent of this House.

That on the eleventh Instant we received another Message from the Governor, wherein he insists that all Matters where the real Privileges of the House are not infringed, a due Deference should be paid by all Persons under his Government to that Authority with which he is invested. That the Speaker's Behaviour at the Conference, however it might at first be intended, was at length affrontive to that Authority, and accordingly the Governor expects he shall acknowledge it by Order of the House, and that they will take especial Care that the like be avoided for the future, upon which the Governor will be very ready, without any Delay, to proceed to the Conference; and to this the direct Answer of the House is immediately required.

Whereupon the Speaker desired Leave to exhibit his further Answer for his own Vindication in this Matter, which being granted, he brought the same to the House, and is as followeth, *viz.* "I am heartily sorry that what happened at the Conference, should create this House so much Trouble: You are my Witnesses, that I paid my Regards to the Governor, and stood up when I spoke, till it was concluded we could not proceed any further upon the first Point till the Statute could be produced; and seeing it was too late to send for it, and thinking our Stay at the Conference would be of little Service without it, I put up my Papers, intending to return to the House; but some of the Governor's Council pressing to go on with the next Point, before the first was brought to a Close, I thought it improper to say much in answer to them on that Head; and being tired in rising so often, as I did before, to answer so many Opponents, I kept my Seat, and spoke something in answer to those Counsellors whilst sitting, which the Governor was pleased to resent, and required me to stand up; but considering that we came there in Expectation of a free Conference (as I informed the House before) tho' I was willing (as I told the Governor) to pay all civil Respects unto him, yet in this Case I thought myself under the Direction of this House, and not to be commanded by any other upon

this free Conference. I shall readily acknowledge, that standing up at Conferences, as well as in other Councils is a Decency, even amongst Equals; and yet I do not conceive that it was ever enjoined, but to the End that the Person standing may be heard, and that the rest may not interrupt; so that I do declare, that it was, and is, my positive Judgment, that if the Governor thinks fit to be present at such Conferences, and there exerts his Commands upon any Manager, or other Member of this House, such Commands are inconsistent with the Freedom of such Conferences, and affrontive to this House: And if I am mistaken, I desire this House to construe it as the Error of my Judgment, and not of my Mind: And I can solemnly declare, that my refusing to comply with the Governor's Humour (for so I conceive it to be, when he exerts his Commands where he should not) was not with a Design to affront him, but to shew my Dissent to that which I thought had a Tendency to frustrate the Freedom of Conferences; not knowing, if I complied with this, whether the next Command would not more highly affect the Rights and Privileges of this House, which I am conscientiously concerned to assert and maintain every where; and if in this Case I have done any Thing unbecoming the Station you have put me in, I shall freely submit to your Censure."

That, in answer to the Governor's Message, we acquainted him, that though we hoped our last Answer would have given full Satisfaction, in relation to in the present Misunderstanding, occasioned at the late Conference; yet finding by his Message, just now sent to the House, he expects some further Acknowledgment the House has thought fit to signify, that the Speaker having submitted himself (in relation to his Deportment at the said Conference) to the Censure of the House, as to the Place where he is properly accountable for any Mismanagement there; and the House having considered that no Rules or Orders were enjoined him, or the other Managers, in relation to Modes or Gestures of sitting or standing whilst speaking (as not apprehensive of the Consequence) cannot, with Colour of Justice, censure him for Mismanagement, or otherwise for Breach of any Rules or Order of the House; But forasmuch as standing up, whilst speaking before the Governor, is acknowledged by us to be a decent and convenient Posture, we have censured the Speaker's sitting whilst Speaking, as he did, to be inconvenient; and had we in the least foreseen the Consequence, and that the Governor would have resented it as he did, would have taken Measures to have

avoided it; and how we have resolved for the future, our late Answer will shew. But seeing the Speaker has submitted to the Judgment of the House, and satisfied us, that is was not with Deseign to affront the Governor, we hope the Governor will consider and accept of our Proceedings and Acknowledgements in the Premises, as full Satisfaction, being the ultimate we can give, and, without Delay, proceed with the Conference, or otherwise pass the Bill, it being the Opinion of this House, that the Matters now under Consideration, however high the Governor may strain them, are not of sufficient Weight to retard or obstruct the publick Good.

That on the thirteenth Instant we received another Message from the Governor, wherein he requires that our Speaker shall, with due Submission, in his own Behalf, and by Order of the House, acknowledge the Irregularity of what is past. In answer to this Message, we acquainted the Governor, that the Speaker is willing, at the Request of the House, and for Dispatch of the Business in Hand, to make the like Acknowledgement to the Governor, at the Time appointed for the Conference, as he has done to the House, the Substance whereof is contained in our last Answer. Whereunto the Governor replied, That the Terms he offered the House this Morning for a Conference this Afternoon, is the very least that can amount to a Satisfaction, which he did expect as there required, without the least Evasion; Whereupon two of us, by Order of the House, went to the Governor, and acquainted him, that our last Message was the ultimate Resolve of the House, without Evasion, and further they cannot go upon that Head; therefore if the Governor would continue the Conference, the House would attend him at the Time and Place appointed this Afternoon; but having had no Answer to our last Message, we sent again in the Afternoon to acquaint the Governor, that since he does not think fit to accept of the Satisfaction proposed, in answer to his written Message this Day, we again desire him either to confer with a Committee of this House, or give us his Result upon the Bill of Courts, shewing us wherein the same, or any Part thereof, is inconsistent with Law or Reason, as we formerly desired, for this House is willing to concur with the Governor in any reasonable Amendment, without further Conference.

The Governor's Answer was returned, That he was sorry the House could not answer his Proposals; adding That he could not, nor durst put it upon any other Terms, seeing it was an Affront to the Queen; for, he did assure us, he did

not desire to infringe the Liberty of the meanest Member of the House.

Whereupon the House taking a Review of all the Governor's Messages, and considering how far we have gone to give him Satisfaction in what he can justly demand, and finding that he continues to render us as Contemners of the Queen's Authority, or, at least, Supporters of such as he suggests have done so; which, if farther insisted on, we shall find it indispensably necessary to appeal to our gracious Sovereign the Queen for Justice in this Matter; and that in the mean time we may clear ourselves of these unjust Imputations, and give the People we represent, as near as we can, the true State of the Case and Difference between the Governor and us, we held it our Duty to make the foregoing Narrative of our Proceedings; so that we conceive nothing now remains, but to consider what Authority is vested in the Governor and People in legislative Matters, and how far the Governor can exert his Commands upon the People's Representatives, while they attend free Conferences; and whether his Resentments in this Case are proportionable to the Occasion given.

We are clearly of Opinion, and look upon it as our Duty to assert, that the royal Charter gives us a concurrent Authority with the Governor to act in Legislation (which is the Equality we insist upon) and that he ought not to defeat us of that Authority, or render it ineffectual to the People's Representatives, which, in our Opinion, will unavoidably be the Consequence of his presiding and commanding in our free Conferences.

That the royal Grant has constituted but two States or Branches in the legislative Authority of this Province, and renders all the Laws that pass by their Concurrence but merely probationary, and subject to the Disallowance of the Queen, where the State of Absolute Superiority and Superintendency is left, as it ought to be.

We know that the present Lieutenant-Governor has a Commission from the Proprietary, dignified with the Queen's royal Approbation, which, with the other Qualifications required by Law, may sufficiently entitle him to be the Queen's Representative; but if that should give him a greater Superiority over us in Matters of Legislation, than the Lords have over the Commons, then we think it improper for the Governor to preside in any free Conference, unless it could be proved that the Lords of Justices did so in such Conferences with the Commons.

And as the Governor represents the Queen, so do the Magistrates by him constituted and qualified according to Law; and the Offences and Contempts done to them in the Execution of their Offices, may be reputed as done to the Queen's Representatives; but it does not follow, that either the Governor, as chief Magistrate, or the Justices, in their Stations, can demand immediate Satisfaction for an Affront or Contempt done out of the Court or Place where they are sitting judicially; and yet the Law will suffer no Contempt or Offence done to them, or inferior Officers, to pass with Impunity; but as it provides against all Offences, so it keeps every Jurisdiction within its proper Bounds.

It is no Question at all with us, but that we should treat the Governor with all the Decency and Regard due the Queen's Representative: And we are humbly of Opinion, that the Queen's Authority, which we, as Legislators, are vested with (in as near Relation to the Crown as any can pretend to be, within this Government) ought to be treated with Regards suitable to the Station wherein the royal Charter has placed us. And tho' we are mean Men, and represent a poor Colony, yet as we are the immediate Grantees of one Branch of the legislative Authority of this Province (which we would leave to our Posterity as free as it was granted) we ought to have been, and do expect to be more civilly treated by him that claims the other Branch of the same authority, and under the same royal Grant, and has his Support, from us, and the people we represent.

If we had been to attend the Governor by way of Address, or upon such Impeachments wherein he has a judicial Power, and had in anywise transgressed the Rules of Decency, there would have been better Grounds for his Resentments: But we see no Colour of Justice, nor can we suppose the Governor can find a Precedent from the *(English)* Constitution to make such Demands as he does, upon so small a Punctilio.

Our great Zeal, and sincere Endeavours, for the regular Establishment of the Courts of Judicature, has caused us to consent to enter upon this Conference before the Preliminaries were adjusted; and though we were willing to meet the Governor, and confer with him, or such as he should think fit to appoint as Managers on his Part; yet we never intended to comply with any Thing which might be made a precedent for the Governor, to act as Chairman, or exert his Commands upon the Assembly whilst they attend such Conferences, much less to prescribe what Censures the Managers on our Part must come under, in Case they should commit

an Error in that Undertaking; therefore we conceive that the Governor's Demands on that Account are very unreasonable, and have an apparent Tendency to defeat our Right of censuring our own Managers when they transgress the Rules of Decency, or go beyond their Instructions in those Matters committed to their Charge by Order of the House.

It is very well known to the Governor, that the Speaker of the House of Commons, when he is presented to the Queen, makes a Protestation consisting of three Parts; the one is about Freedom of Speech; another about Freedom of Access to her royal Person; and the other is, that in any Thing he shall deliver, in the name of the Commons (if he shall commit an Error) no Fault may be erected to the Commons; and that he may resort again to the Commons for Declaration of their true Intent, and that his Error may be pardoned. And from that Example (though in a remote and far meaner Degree) our Speaker, at the Beginning of this Session, made his Request for Freedom of Speech, and Allowance of all our just Rights and Privileges, and for free Access to the Governor; and that no Misconstruction should be put upon our Proceedings (or used these Words to that Effect) which the Governor then readily granted, But now, because our Speaker did not stand up at the Governor's Command, when in a free Conference, tho' he spoke nothing that was indecent; and although he assured the House, and they the Governor, that what happened at the Conference, was not with Design to offend or affront him; yet that which the Governor at first called but an Error of the Speaker, he now charges the whole House with, as an Offence against the Honour and Dignity of the Queen, and would render our Messages on that Account nearly to concern her Majesty's Authority in Government, and much more to the same Purpose; which we declare to be a meer Strain, and a most unjust Imputation, and seems to be a Design to render us, and the People we represent, obnoxious to the Queen's Displeasure, and unworthy of her royal Favours and Indulgence, which we value above all other Privileges.

We find the Governor's main Objections to the Bill of Courts are levelled against such Parts of it as are grounded upon the Common and Statute Laws of *England;* and we conceive nothing can be advanced to support such Objections, but what will impeach the Wisdom or Reasonableness of the *English* Constitution, or render the Queen's Subjects here unworthy of their native Rights: And as for the Appropriating the Fines and Forfeitures to the Queen, we formerly

acquainted the Governor of our Passiveness in that Point, and desired him to propose a proper Method, and how our Bill may stand clear of the Objections of the Lords of Trade, that proved so fatal to some of our Laws, which appointed Fines and Forfeitures to go to the Proprietary and Governor, but we have had no direct Answer to our Request in that Behalf; so that after the Expence of so much Money, and Loss of three Months Time, since the Bill of Courts has lain before the Governor, we despair of having it passed, notwithstanding all our Endeavours to obtain the same, hoping it would have put an End to some of the Grievances which the People of this Province have, for several Years, groaned under, and which we forbore hitherto publickly to remonstrate, choosing rather to provide Remedies for Things that are, and have been, amiss, than complain of them.

The Governor may remember, that what was discoursed at the Conference, had respect chiefly to the appointing and removing the Judges, and we are content that Part of the Bill shall be omitted, and Provision made in a Bill by itself, as some of the Council then proposed.

Ordered, That the said Remonstrance be transcribed, and signed by the Speaker, and sent to the Governor.

Richard Hill, and *James Logan*, brought a written Message from the Governor, which was read, and is as followeth.

From the Governor *to the* Assembly, February, 15, 1706.

GENTLEMEN,

YOU have now given me, and the rest of the World, very great Reason to believe that your Concern for the Common Good is not so real as has been pretended, since you prefer an obstinate Humour, in Defence of an irregular and affrontive Behaviour, to all other Considerations relating to the Publick, and especially after the Terms of Satisfaction were made so easy, that there was no more required than that you would order the Person offending to acknowledge his Error where he had committed it; but notwithstanding such Proceedings might, with good Reason, discourage me from treating with you any further, I shall yet make all those Resentments that your Conduct might justly raise, so far yield to my earnest Desire of advancing the Interest of the Publick, that I shall once more give you my Result upon your Bill, and propose to you the Terms on which it may be enacted; but must first observe, that your particular Manner of judging of all Objections made to what you offer, very clearly evinces how great an Authority you bestow on your own Opinions. You

have frequently very peremptorily put the Question, and ask'd, wherein you crave any Thing that is repugnant to Law or Reason? In which you seem to forget, that though the Assembly has a concurrent Power in Legislation, and a Law cannot be enacted without them, yet in all Governments the Governor's Part being at least equal according to your own Notion, he must have an equal Liberty in proposing, accepting or refusing; and therefore is no further accountable to the Assembly for his Reasons in rejecting any Proposal that is made to him, then they generally shew themselves after a Matter is thrown out of the House by a Plurality of Voices. If by saying what you ask is not contrary to Law, you mean there is no Law against it, the same may be pleaded for a thousand Extravagancies, against which the Law has made no Provision; but to determine whether it be repugnant to Reason or not, requires some other Tribunal to ascertain what is Reason: For, however high you may rate your own Opinions, it would be much too arrogating in you, to erect a Standard to judge of the Reasons of others, who have an equal Freedom of Sentiments and Opinions.

I have often given you my Reasons, though I am not obliged to render any, why I cannot assent to your Bill as you have proposed it, which are sufficient with me; and notwithstanding any Thing I have heard, are likely to continue so, and I shall here sum them up once more.

1. I cannot agree, that when a Judge is once appointed, it shall be out of the Governor's Power to remove him upon an official Misbehaviour, which requires a Process at Law, and yet the Assembly shall have it in their Power to lay him aside when they please, only by addressing the Governor, and without any Trial or Conviction, for this your Bill directly and postively provides, whatever Evasions have been used to colour it; nor that the Judges and Justices shall, of themselves, have the Power to appoint or displace such considerable Officers as the Clerks, at their own Will and Pleasure. To offer my Reasons for this, might justly be accounted superfluous, they are of themselves so obvious; for as to the Judges, as we are circumstanced, it differs very little from granting away the whole Power of appointing them at first. There is no Salary established with the Bill as it is in *England;* for that is to be still precarious, and dependent of the Assembly: Then, although the Governor may appoint whom he pleases, they can as often displace him, without rendering a Reason; besides that, there is no Pay for him till they think fit to grant it: And when a Person is found that suits a cer-

tain Humour, however contumacious he may behave himself to the Governor (for which there is no Probability of his being removed by the House, as Matters now go) the Governor is to have no Manner of Power over him, or Check upon his Behaviour; he may proceed to the greatest Insolences, and plead Privileges or Law for it; and perhaps make a sufficient Number of the Representatives, who may be unacquainted with both, believe that he is really in the Right, and then he stand secure. I assure you, Gentlemen, seeing it is now in my Power to prevent this in a Judge, I shall take Care that in my Time it shall never be so. You have pleaded a Statute of *England* for your Precedent, but have, in the latter Part, most unjustly perverted both the Words and Sense of the Clause; for the Parliament never enacted that the King shall turn a Judge out upon their Address, but that it might be lawful for him so to do; which, without such Clause, it would not have been but upon Misbehaviour.

The first Part which makes the Tenor of their Commissions to be, *dum se bene gesserint*, were our Circumstances the same in the Point with those of *England*, might the more easily be granted here; they have great Plenty of very able Men to supply those Places, out of whom they can make such a Choice as needs not to be mended, and then they have a certain fixed Salary allowed them independent both of the Crown and People; but here we must accept of such as present, and mend the Choice as better shall offer. If you, however, will find a Person altogether fitly qualified for the Office of Chief Justice, that I can approve of, and will grant him a sufficient Salary as independent as the Judges have theirs in *England*, I shall not scruple to grant him his Office to hold upon his good Behaviour; nor shall I oppose your making it as lawful for me to turn him out upon your Address, as that Act of Parliament makes it in *England*: So that you see I am willing to grant even the whole that is contained in the very Precedent you plead, provided you will come up to the same on your Side.

But I have some further Reasons why I think it very improper for me to assent to that Part of the Bill as you have proposed it.

First, The Governors of her Majesty's Colonies Abroad, being principally answerable to the Ministry at Home, for the Management of Affairs in their respective Governments, would be found extremely deficient in their Power, were they incapable of removing any Person out of Office, who, by his offensive Malefeasance, might give the Ministry Occasion to

command him to be so removed, which in those Parts sometimes happens; and therefore Provision should be made accordingly.

Secondly, There is such a Train laid in the said Bill, that when once the Assembly (which, while some Particulars have had a Sway in it, has too frequently taken Opportunities of raising and improving a Misunderstanding with the Government) has, by their Power of removing, and withholding a Salary, till they are pleased, procur'd a Person according to their own Minds to fill the Office of Chief Justice, the Sheriffs being in the Choice of the People, and the Clerks in the Justices, the whole Power and Proceeding of the Courts will not only be absolutely independent of the Government, but in all Probability be levelled, as far as possible, in direct Opposition to it; especially since the present Speaker, who being the only Person in that House professing the Law, has been the chief Compiler of the Bill, has presumptuously taken upon him to write to some private Men in *England*, of whom the greatest Part are said to be known Opposers of the Proprietary and his Interest, to send over some fit Person hither to be our Chief Justice, proposing the Encouragement of some Hundreds *per Annum;* and further, objecting against that worthy Gentlemen, as well as able Lawyer, Judge *Mompesson*, as unfit, because in the Interest of the Proprietary, the Chief Governor of the Place.

My third Reason is, you have told me that a certain Charter, prepared at the Proprietary's Departure, should have been executed; which Charter I find, upon Enquiry, to have been a Project of the same Gentlemen's to incorporate this Province, and take very near the whole Power, both in Matters of Property and Government, out of the Hands of the Proprietary and Governor, and lodge it in the People, leaving the Governor very little besides the Title, with the Power only of appointing Judges of Life and Death, and a very few other small Matters; by which it plainly appears, that the Aim is to reverse the Method of Government according to an *English* Constitution, and establish one more nearly resembling a Republick, in its Stead; to any Part of which should I ever agree, I should think myself a Betrayer of her Majesty's Rights, and am resolved, while I am in the Administration, not to diminish them in any one Particular, but leave them full as extensive here as I found them.

Many of my Reasons for the several following Objections depending upon what I have given, I shall be shorter in them.

2. I cannot agree that the Fines and Forfeitures shall be granted away from the Proprietary or Governor; because it is to give away, a Profit and Right for nothing, and such an One as cannot be spared, for the Government here has not one Perquisite belonging to it besides them, and what arises from Licenses; in which also I shall not agree to any other Alteration than what is mentioned in my Message of the Twenty-fourth of *December* last.

3. I cannot agree to enlarge the Powers of the Corporation, then Charter being the Proprietary's Grant, and of such he ought himself to be the Judge; for I am credibly informed, that after Publication of that Charter, the Powers of it were extended much beyond what was understood at the Council Board to be designed by it; I must therefore be the more cautious of adding to that Power, and abridging the County of theirs; and must further take Notice, that the Bill, though covertly and implicity, does still extend their Powers to all civil Cases; which, as it is couched under such Terms as do not obviously at first appear, yet effectually grant that Power, is therefore the more dishonourable.

4. Further, I cannot think it reasonable but that the Writs of *Certiorari* should be granted as fully here as in *England*.

5. Nor that a Man should be obliged to sue oftener than once for one Debt. Nor that such Fees should be established as will not afford sufficient Encouragement to capable Persons to accept of the respective Offices, which some of those proposed in the Bill will by no Means do; yet I am very desirous that the Fees should be regulated and ascertained by a Law, upon such Terms as may be reasonable.

You were further told in my Message of the Twenty-fourth of *December* that some few other Objections would arise from Matters relating chiefly to the Courts themselves, which are these that follow.

6. The Seal of the Provincial Court ought to be the same that has been always used, *viz.* the lesser Seal of the Province.

7. The Time for the Sitting of the Provincial Courts ought not to be so expressly limited, as that upon any extraordinary Business they shall not have Power to take a necessary Time to finish it.

8. Judgments ought not to be given at the intermediate Meeting of the Justices between the Times of the Quarterly Courts.

9. Writs of Error not being allowed but in open Court, destroys, in great Measure, the Benefit intended by them.

10. Attorneys must not be made so independent as by the Bill.

11. An Action of false Imprisonment against the Sheriff for arresting a Freeholder, is too severe, and is unreasonable: for he must obey the Writs directed to him, and to plead in Abatement may be sufficient.

12. The whole Business of Bankrupts should be brought into a particular Act, and be more maturely considered, for it is of too great Weight to be enacted thus in Gross.

13. Writs of Enquiry enquired of in open Court, will retard the Business of the Courts, and the Inconveniency will overbalance the Advantage proposed. If it be apprehended that this Method will save charges, it is said, that the whole Fees of the Jury will be no greater out of Court as is usual, than as the Bill proposes it.

14. The Method of real Lease and ouster in Ejectments, cannot be allowed of; the Law of *England* is pleaded for our Standard in other Respects, and why we should avoid that, to throw the People into much greater Trouble and Danger, is unaccountable.

15. In the Close, an Addition must be made to revive all Process that has been discontinued, as well by the falling of the Courts, as the Queen's Repeal.

I must further add, what has been twice mentioned before, that it is very inconvenient, in many Respects, for the Justices to sign all Writs; if they were issued of Course out of the Office under the County Seal, it would much better answer the End.

16. In the Orphans Court, the whole Power of that Court within the City cannot be granted to the City Magistrates: but there may be one Court appointed, out of both the County and City, to serve for both.

There must be a Restriction upon the Power of the Court, in directing the Education of Orphans in Matters of Religion.

17. All Bonds and Inventories of this Kind, should be lodged in one Office; and since that of the Register's is appointed by Law, it is the most proper Place for them.

These, Gentlemen, are my Objections to that Bill, which when removed, I shall be ready to assent to it (notwithstanding I cannot altogether approve of the System) but not before; and of all those Heads, there is not one without

which the Bill will not as effectually answer the End proposed by it, if there be nothing further than a regular Establishment of Courts intended.

And now, as I have agreed to every Thing that is necessary to this End, so if you will not join with me in it, but insist upon such Points as I can by no Means grant, and make those the Terms of your Concurrence, it will lie wholly at your own Door that they are not established by a Law.

The Country loudly calls for Justice, and I, on my Part, earnestly press that it may be granted; should I tack to the Bill, or insert into the Body of it, any exorbitant Grants to myself, which you could not, in the Discharge of your Trust, think fit to assent to, and should refuse to agree to an Establishment of Courts upon any other Terms, the People might have just Cause to complain; but while I crave nothing of you, and am willing to agree in all Points that are necessary to the reviving of these Courts, and opening the Current of Justice again, and yet you decline to concur in it, unless I betray my Trust, and agree to make unreasonable Grants to you, which are not yours of Right, shews as if you preferred something else to the real Benefit and Advantage of the People, whose Interest is so deeply concerned in, and suffers by this long Delay.

If their Exigencies and heavy Oppression can so far prevail with you, as to discharge your Duty to them in this Point, and concur in enacting the Bill, as I have proposed it, it shall without Delay be passed into a Law; if not, I will lose no further Time (for I am resolved the Court shall be held at the Times at which they ought next of Course to sit) but proceed to use the Power granted me by the King's Letters Patent to the Proprietary, by which, I am assured, I have as full Authority to establish them without you, as your have to concur with me in enacting a Law for them. And, after I am obliged to this, whoever shall dispute that Power, or endeavour to invalidate the Establishment, as they will justly deserve to be reputed Enemies to the Peace, Safety and Welfare of the Government, and Opposers of her Majesty's Authority, so they shall not fail of being treated accordingly.

JOHN EVANS.

Ordered, That *Francis Cook*, *John Roberts*, *Samuel Levis*, and *Thomas Harding*, do wait upon the Governor with the Remonstrance, and acquainted him, that it was intended to be sent before the Governor's last Message came to the House.

And the said Members are also to acquaint him, the House will enter upon the Consideration of his last Message, and return an Answer to the same with all convenient Speed.

The said Members returned and reported, that they had delivered their Message to the Governor, with the Remonstrance, according to Order.

Ordered, That the Governor's Message be again read, which was done accordingly.

Resolved, That the House will, at Nine a Clock To-morrow Morning, resolve itself into a Committee of the whole House, to consider of the Governor's last Message, and of a proper Answer thereunto; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Committee formerly appointed to draw Articles of Impeachment against *James Logan*, brought the same to the House, and the said Articles were read, and ordered to be read again.

The House considering that the Governor, in his last Message, has charged the Assembly with having covertly and implicitly, in the Bill of Courts, extended the Powers of the Corporation to all civil Causes, which they conceive to be a Strain upon the Sense of the Bill:

Ordered, That *William Hudson*, and *John Swift*, do wait upon the Governor, and acquaint him, that the House not being sensible that the Bill of Courts contains any such Passage, respecting the Corporation of *Philadelphia*, as is affirmed by the Governor's last Message, do therefore request he will be pleased to inform the House what Part of the Bill he conceives to have that Tendency; and to assure him, if it appear to be as affirmed, that the Assembly (who never intended them any such Power) will readily alter it.

The said Members returned and reported, that they had delivered their Message to the Governor, according to Order, and that he acquainted them, he would send an Answer to the House forthwith.

The House then, according to the Order of Yesterday, resolved into a Committee of the whole House, to consider of the Governor's last Message, and of the Substance of an Answer thereunto, and, after some Time spent therein, the Speaker assumed the Chair, and *Joseph Wilcox* reported from the said Committee, that they were come to several Resolves, which they had directed him to report, when the House will be pleased to receive the same.

Ordered, That the said Report be made To-morrow Morning; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Joseph Wilcox, according to the Order of last Night, proceeded to make Report of certain Resolves of the Committee of the whole House, which he read, and was agreed to by the House.

Ordered, That a Committee be appointed to draw and Answer to the said Message, according to the said Resolves, and bring it to the House To-morrow Morning.

A Motion being made, that the Minutes of Assembly be inspected and settled, in order to be made publick.

Ordered, That a Committee be appointed to settle and inspect the said Minutes; accordingly; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Committee appointed to draw an Answer to the Governor's last Message, brought the same to the House, where it, being read, was after some Amendments, agreed to by the House and ordered to be transcribed, and is as followeth.

The Assembly's ANSWER *to the* Governor's *Message of the Fifteenth of* February, *brought to this House on the Nineteenth of the same Month.*

May it please the Governor,

WE find that the Influence of some evil Counsel prevails still upon the Governor to continue his Resentment against this House, without any just Grounds, questioning the Sincerity of our Concern for the common Good, and most wrongfully insinuating that we prefer an obstinate Humour in Defence of an irregular and affrontive Behaviour, to all other Considerations relating to the Publick; whereas our Proceedings may sufficiently evince, that we have censured what we conceived was amiss, and offered the Governor all the Satisfaction we thought reasonable for us to give in that Matter, saving our Rights and Freedoms in Conferences.

There is as little Need of the next Animadversion, as was of the other; for we never questioned but that the Governor may reject what we propose, as we may what he proposes legislatively, without giving any Reason; but if either of us object or propose any Thing by way of Amendment to a Bill, we ought to support it with Law or Reason, being

the only Standard or Rule by which we desire all Differences between the Governor and us may be determined.

We have great Cause to bless Providence, that the *English* Constitution has set up the said Standard, and that through the Indulgance and Favour of our gracious Queen, we are put in a Capacity of shewing our Desires and Endeavours of supporting that noble Standard, and which the pernicious Counsels and arbitary Designs of some do strike at; and what we do on that Account, is without arrogating to ourselves more than becomes *English* Subjects, and such as expose us therein, do but, as it were, gnaw a File, which will break their Teeth e'er they prevail against it.

As to the appointing and removing the Judges, we agreed, before we received the Governor's last Message, that the Clause relating thereto shall be omitted, and Provision made in a Bill by itself; but we are here obliged to clear ourselves of some Misrepresentations made of what we insisted on at the Conference about that Point, and of what is charged upon us a Perversion in the latter Part of the said Clause.

It is well known that we never pretended that the said Clause agreed in Terms with the Statute which was our Precedent; but when it was read to us in the House, we considered, and unanimously agreed, to make it more positive and obliging than that is made in the Statute; because the two Houses of Parliament have the Queen (who excells in Honour and Justice) to apply to for Removal of evil Judges, but we have only our Fellow-Subject, who, hitherto, has not given us that Demonstration we could wish of his Willingness to observe the Constitutions of this Province, but rather to elude them, as in the Case of the Sheriff of the County of *Philadelphia*, with some other Instances, which we think not proper here to express.

If the Governor be pleased to remember, our Speaker shewed at the Conference, that the Method of Procedure against the Judges in Case of official Misbehaviour, might be after this Manner, *to wit*, The Assembly, being the general Inquisitors of this Province, might examine the same, and if they find the Charge to be true, then that they transmit it to the Governor, with the Proofs, and there demand Judgment, which the Governor might give, without any other Process at Law; for the Removal of the Party so charged, if he found the Fact so proved required it.

As to the Judges Salary, it comes from the Exchequer in *England*, as it may from a publick Fund here, which we conceive the Fines and Forfeitures ought to be Part of; and

to suppose the Assembly will not make up the rest to be a competent Support to a moderate Man, or to insinuate (as the Message does) that the Assembly will displace a good Judge, and keep in a bad One, we take it to be a most unjust Reflection upon the Justice of this House, and ought not to be supposed of the Representatives of the People.

As we never proposed to appoint the Judges, so we leave it to the Governor to find out such as may be fit for so great a Trust, having only this to recommend, that they be Men whose Conversation may be of good Example in that high Station, and not justly chargeable with vicious Practices or Corruption, but Men fearing God, and hating Covetousness.

As to the Clerks, we refer to our former Answers on that Head, and shall only add, that our Bill does not impower the Justices to appoint or displace them at their own Will and Pleasure, or otherwise then the Statute in that Case directs; and we conclude, that it is safer for the Clerks to be tried by a Court than by a Jury, however the Wisdom of the Parliament of *England* ordained it so there; and, for the same Reason, we insist that it should be so here, hoping that the Governor will concur with us to bring those Officers under a proper Regulation, rather then leave them beyond the Controul of the Magistrates, who may be greatly damnified by their Unskillfulness or designs, and yet left remediless, unless relieved by the Method proposed in the Bill, pursuant to the said Statute.

As to the first Head of what the Governor brings as his further Reasons against that Part of the Bill, we do not know how far the Ministry at Home expects him to be answerable for the Management of Affairs in this Government, nor would we propose any Thing that may render him deficient in his Power, but would gladly have him do all Things that may render him, and us, acceptable to our Superiors; and as to the second, it serves only to cast an unjust Reflection upon the Assemblies; but as to what is mentioned about a Letter, supposed to be written by the Speaker, as we never saw it, so we are not concerned with it.

And as to what is said concerning the Charter prepared at the Proprietary's Departure, the Draftsman has assured us, that no Project nor Power is comprised in that Charter, but what was the Proprietary's Direction, perused and corrected by his Cousin *Parmiter*, before it was engrossed, and afterwards signed by himself; but whether the Proprietary designed thereby to reverse the Method of the Government according to an *English* Constitution, and establish a Repub-

lick in its Stead, or leave the People to struggle with the Queen's Governors, which he then expected would be the Consequence of the Bill then moving in Parliament against Proprietary Governments, and the Draughtsman cannot tell; but he well remembers that the Proprietary told him, that he held himself obliged to do what he could to confirm his Tenants in their Lands and Properties, and give them all the Power he could, as he was Lord of this Signiory, and much more to that Effect.

As to the Fines and Forfeitures, the House have long waited for an Expedient how the Bill could stand clear of the Objections of the Board of Trade, if we should not appropriate them to the Queen; but having received no Satisfaction in that Point, we are contented that the Bill shall be wholly silent about the appropriating them.

As to the Licenses, we still insist that they be granted as by the Bill, and we shall settle the Perquisites to the Governor, as we formerly proposed, by way of Amendment to the Bill.

As to that of the Corporation, tho' we cannot conceive our Bill implies any such Thing as is objected, nor that the Word *(otherwise)* can extend as is alledged; yet, to remove all Pretence of Occasion against that Word, we are willing it be ommitted in the Bill, and, instead thereof, *the Laws of this Province*, be inserted; and that where the Blank is left for the Time of the Sitting of the Court of Pleas, it may be inserted after the Words (*in* Philadelphia) *for the City and County of* Philadelphia, which will, we hope, effectually remove all Pretences of that Kind.

As for Writs of *Certiorari*, we answered formerly, that we agreed they should be granted as fully here as in *England*, and expected to hear wherein the Bill is short of that.

As for suing oftener than once for one Debt, if it be intended that a Man who sues and recovers, shall not have another Action, or a *Scire Facias*, upon such Recovery, we cannot agree to it; but if the Objection be to the *Scire Facias* against the Bail taken after Execution, we formerly shewed the Necessity of that, because our Prisons have no Verge, and the Creditor better secured than at first.

As for establishing Officers Fees, the Cries of the County call for it; and if the Fees proposed were too scanty, we acquainted the Governor, near two Months ago, that we would augment them.

We remember the Governor, in a Message of the Twenty-fourth of *December*, had a Reserve of some Objections, which he now says are those mentioned in this Message; we do not find them to be of that Weight or Intricacy, but they might have been made at first, and settled long before this Time; so that the Governor, by the Influence of some evil Councel, has given us, and all others, who will impartially consider it, great Cause to conclude, that his Purposes for the Common Good, and opening the Current of Justice, are turned to trifling Delays.

As to the Seal of the Provincial Court, we are of Opinion it ought to have an Impression suitable to the Stile of the Writs which are to be sealed with it, and that it be kept with the Chief Justice, or such as he will answer for; and there will be a Necessity that this and the lesser Seal be different, and not lodged in one Place, for in some Cases the one may be made use of to check the other.

We think it of absolute Necessity, that the Sitting of the Provincial Courts should be limited as formerly; but if that be not enough for *Philadelphia* County, it may be enlarged, but the other Counties to be as heretofore.

We are of Opinion, that giving Judgment in the intermediate Courts, as proposed by the Bill, will be found very necessary to prevent Delays occasioned by Imparlances, Demurs, *&c.* for which End only it was intended.

We are willing to make the Writs of Error allowable by any one of the Justices out of the Court, as heretofore.

As to the Cause about Attorneys, it is very indifferent to us if it be all left out of the Bill; but forasmuch as Attorneys do frequently practice in Courts, we thought it necessary they should come under Regulations, and not be suffered to plead without the Courts Admittance.

We agree, that to plead in Abatement, where the Sheriff arrests a Freeholder, may be sufficient, so that the Court be impowered to award Damages upon such Abatement.

As to that of Bankrupts, we do not see how we can amend it; but if the Governor thinks more proper to pass it in a Bill by itself, we shall be satisfied, so as some such Provision be made to prevent the Scandal which will fall upon the publick Justice of the Country for want of it.

As to that about Writs of Enquiry, we conceive it may be so ordered by the Justices as not to retard the Business of the Court, at least, not to render the Inconveniency so great as to over-balance the proposed Advantage. The Governor

is misinformed about the Charges, for divers of us know the Difference to be so great, as to cause us still to insist upon the Method proposed in the Bill.

The real Lease, Entry and Ouster, is according to the Law of *England*, and the fictitious Proceedings is a new Practice, allowed only in *Westminister-Hall*, but not in any inferior Court in *England*, as we are informed, and may be seen by several Cases produced to us out of a Book, called, *The Law of Ejectments*, Page 38, *&c.* And we are of Opinion, that our Courts are as inferior to *Westminister-Hall*, as Corporation or other Courts, Connusance of such Pleas, are in *England;* and we are satisfied the real Lease, as to the Common Law, may be rendered more certain, and of less Trouble and Danger to the Subjects here, than the said new Practice; and if our Bill does not effectually answer that End, we are ready to amend it.

As to reviving the Pleas and Process, if the Bill does not make full Provision, we are willing that it be made most effectual in that Point.

As to the Signing of Writs, we still insist that the original Writs or Process be signed by the Justices, as the constant Practice here has been, and that agrees with the Laws of this Province, which we formerly mentioned; but as for other Writs, they are to issue of Course, and are to be signed by the Prothonotary, and pass under the judicial Seal of the County.

As to the Court of Orphans, we agree that the Magistrates of the County of *Philadelphia* be joined with those of the City to hold those Courts as proposed by the Governor.

And as we conceive that the Bill gives no Power for the Court to direct the Education of Youth in Matters of Religion; and if it bears any such Construction, we are willing to restrict it, and agree to mend the Bill accordingly; but as to the Bonds and Inventories relating only to Orphans, we think they are properly lodged, as proposed by the Bill.

And now, having done with the Objections, we would draw the whole Matter to this narrow Close, that since we are ready to concur with the Governor in every Thing that is necessary for the Well-being and regular Establishment of Courts, and insist upon nothing but what we conceive to be our undoubted Right, by the Grants and Promises of the Governor in Chief, to demand, and in his Lieutenant's Power to grant and enact; whether by the Bill now before him, or in distinct Bills, is Matter of indifferency to us; for we are willing to exonerate our Bill of what can with any Colour of Reason be alledged to clog it.

We have now pointed out those Matters in the Bill, which are also of Indifferency to us whether they pass or no; but as to the Justices licencing of Ordinaries, being the proper Means to prevent the Debaucheries like to over-run this Place, we cannot, without betraying our Trust, decline our Endeavours to obtain.

As also, that the Officers Fees be now established as well as the Courts; and that Provision be made for the Removal of Clerks, as the Bill and the Statute in that Case direct, being what we think will effectually enable the Governor to answer the Ministry at Home, in case of Malefeasance of such Officers; which last Particulars we do, and must, insist on, as proper Terms of our Concurrence.

And if the Governor, notwithstanding our Endeavours and Readiness to comply with him in reviving the Courts, and establishing proper Jurisdictions, will not agree to do it by a Law, we will lose no further Time, but represent the whole Matter to his and our Superiors and as for his setting up of Courts by Ordinance, he knows the Mind of this House already in that Point.

The Governor's A N S W E R *to the* Assembly's *Message of the Twentieth* of February, 1706-7, *objecting to the Clause in the Bill of Courts relating to the City.*

"T H E Courts of Common Pleas, according to the Bill, are to be held by the same Justices, that hold the Courts of Quarter Questions; and their Powers in civil Cases are limited by the Bill to the sme Bounds that they have in the Quarter Sessions; therefore since there can be no Courts of Pleas held but by the Justices of the Sessions, and the Justices appointed by the Governor for the County of *Philadelphia*, having no Power in the City, can therefore hold no Pleas in the City; so that there can be no such Court appointed by the Governor for the City. But a Court of Pleas for the City is acknowledged by the Bill, and there must be one, tho' it is out of the Governor's Power to appoint it.

The Bill farther provides, that no Justice of the Court of Quarter Sessions, or any other Justice, shall intermeddle with, or exercise Jurisdiction, in any Cause or Thing whatsoever, arising within the Bounds of the City, which, by Charter, or otherwise, may be enquired of in the City Courts, *&c.*

The City Magistrates have by their Charter claimed a Right to sit in the Courts of Common Pleas, and, as I am

informed, have actually sat in them: Seeing therefore there must be no Courts of Pleas held but by the Justices of the Quarter-Sessions, and the Justices of the County can hold no Pleas but within the same Limits where they have Power in the Quarter-Sessions; and there must be a Court of Pleas within the City, and the City Magistrates do claim that Right by their Charter; besides that the Word *(otherwise)* leaves Room for all Manner of Implication of Power to strengthen that Claim, either from the present Bill, or Precedents; therefore it will follow, that the Court of Common Pleas for the City, must be held by the Magistrates of the City that hold the Courts of Quarter-Sessions within the same, and no others."

Richard Hill, and *James Logan*, brought a written Message from the Governor, which was read, and is as followeth.

To the House of Representatives, February 22, 1706-7.

"I T is now a Week since my last Message, giving you the Terms on which the Bill for establishing Courts might be passed, was prepared, and intended for you, and had been then delivered, had not your Adjournment prevented it. I have waited your Answer to the utmost Length of time that I can now stay; and therefore as I have often told you, being resolved that the Courts shall not be deferred beyond our next ensuing Terms of Course, I am obliged to establish them by virtue of the Powers derived to me by the King's Letters Patent and have chose to do it generally by such Clauses of your own Bill as are more immediately necessary to the End; but as the Country will deeply suffer, should not all former Process be revived, I herewith send you a short Bill for that Purpose, which, as it is a Point that most nearly concerns the Interest of the People that you represent, your Immediate Concurrence with the main Scope of it is expected, that it may be published on *Tuesday* next at *Chester*."

JOHN EVANS.

The said Members also brought the Bill for reviving the Pleas and Process mentioned in the said Message, which was read, and ordered to be read again.

James Logan also acquainted the House, that he was required by the Governor to inform the House, that whereas the last Assembly had been informed, that the Publication of any one Act did put and End to that Session of Assembly, it appeared by good Authority to be a Mistake and that the

House might be assured they might proceed in Legislation after the Publication of a Law, as well as before, or to that Effect.

The Assembly's Answer to the Governor's Message brought to the House the nineteenth Instant, being transcribed, was again read, and the Question being put, that it be signed by the Speaker, and sent to the Governor? *It passed in the Affirmative*, N. C. D.

Ordered, That *Samuel Richardson*, *Thomas Hilborne*, and Francis Chadds, do wait upon the Governor with the said Answer, and acquaint him that it was ready, and would have been sent sooner, but was not transcribed, and that the House hoped it would also effectually answer the Substance of his last Message; and then the House adjourned till the Twenty-fourth Instant, at Two a Clock, P. M.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Committee appointed to draw up Articles of Impeachment against the Secretary, *James Logan*, brought the said Articles to the House, and the same were read, and ordered to be read again.

Samuel Carpenter, and *Thomas Story*, brought a written Message from the Governor, which was read, and ordered to be read again To-morrow Morning.

The Articles of Impeachment against *James Logan* being again read, and a Debate arising thereupon.

Resolved, That the House will immediately resolve itself into a Committee of the whole House, to consider and debate the said Articles.

And accordingly the House resolved into a Committee of the whole House, and, after some Time spent in the Consideration and Debate of the Matter to them referred, the Speaker assumed the Chair, and *Griffith Jones* reported from the said Committee, that they had made considerable Progress therein; but not having Time to finish it, the Committee directed him to move for Leave to sit again, in order to finish the same.

Resolved, That this House will, To-morrow Morning, at Ten a Clock, resolve itself into a Committee of the whole House, to proceed in the Consideration thereof; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Governor's last Message was again read, and is as follows.

"THE Governor has been accustomed to meet with such gross Rudeness from those he has now to treat with, that he resolved at length to take very little Notice of any Thing of that Kind, to the Obstruction of the smallest Matters that might be of Advantage to the Publick; and he is still resolved to continue the same Temper, though the Incivilities and Abuses of the last Message from the House seem to have been strained on Purpose to a Height, to try the Extent of his Patience; but should he decline any further Notice of it, as most certainly he will not at a proper Opportunity, he doubts not, but from their Proposal of representing the Matter to our Superiors, if they will but make good what they say, they will be more effectually taught their Duty and good Manners, though he cannot, at the same time, but lament the Consequences that will be found to ensue on these Proceedings to the innocent People of the Province, who in Reality are no Parties to them, yet will be the Suffers."

To the three Things last insisted on, the Governor answers:

First, That the Method of granting Licenses for Publick-houses does not belong to such a Bill, and therefore he will not agree to have it so inserted; but, as he formerly proposed, is willing that no License should be valid, or of Force, that is not granted upon a Recommendation, which fully answers the End Proposed.

Secondly, The appointing of Clerks is already fixed by the Charter, and therefore the Governor will agree to no Manner of Alteration in it; for upon their Mismanagement in their Offices, there is the same Relief against them as against any other Officers in the Government: What is proposed in the Bill is not the Practice, as far, as the Governor can find, in any of her Majesty's Governments in *America;* and the House knows all Statutes of England are not to be copied after.

Thirdly, That Governor has been as earnestly desirous as the Assembly that the Fees should be settled, as his Answers have plainly imported; but he believes there is as much Justice due to the Officers as any others of the Queen's Subjects; to settle which, the Governor will Appoint a Committee of the Council, if the House, on the Terms proposed, think fit to proceed with the Bill, to meet a Committee of them, the Officers being present to speak for themselves; and whatever upon their Agreement shall be found reasonable, the Governor will readily assent to.

The Governor further desires, that without any more Loss of Time, the Bill for reviving of Process may be proceeded upon for the Courts of this Term to begin To-morrow."

Signed by the Governor's Order,
JAMES LOGAN, *Secretary.*

Which said Message being considered and debated, the House came to these following Resolutions.

First, RESOLVED, *That it is the Opinion of this House, that licencing Publick-houses does properly belong to the Bill, as being Part of the Justices Business in their private Sessions; and forasmuch as the granting of the said Licences by the Proprietary, or his Deputy, is Part of the Objections of the Lords Commissions of Trade and Plantations, and was partly the Cause of the Queen's Repeal of the former Law about such Licenses, therefore, we cannot agree to the Governor's Proposals upon this Point.*

Secondly, Resolved, *That it is the Opinion of this House, that the Bill agrees as near as may be to the Charter, and settles the Method of Conviction as the Statute in that Case directs, which, in our Opinion, makes no Alteration in the Charter, but directs how the Vacancy for Misbehaviour should be supplied, pursuant to what we conceive to be the true Intent of the said Charter; and if any Thing in our Constitutions should admit of Doubt, we know no better Way to resolve it, than by the Statutes of* England, *which are made for the publick Good; and as it is our Inclination, as well as our Duty, so we are encouraged by the Proprietary to insist, that the Rights and Freedoms of* England, *(the best and largest in* Europe*) shall be in Force here.*

Now, if the Governor be pleased to acquiesce with our Proposals in these Points, we agree that a Committee of the House shall meet a Committee of the Council as desired; but it is the Order of this House, that before the Officers be heard, they lay before us an Account of the Fees they usually take.

The reviving of Process is effectually supplied by the Bill.

Signed by Order of the House,
DAVID LLOYD, Speaker.

Ordered, That *Samuel Richardson,* and *William Garrett,* do wait upon the Governor, and deliver him the said Resolves; but in case the Governor be not in Town, they leave the same with the Secretary, to be delivered him when he comes.

The said Members returned, and reported, that they had left the said Resolves with the Secretary; who informed them, that the Governor is gone to *Chester.*

The House then, according to the Order of Yesterday, resolved into a Committee of the whole House, to consider further of the Articles of Impeachment against *James Logan;* and, after some Time therein, the Speaker assumed the Chair, and *Griffith Jones* reported from the said Committee, that they had agreed upon certain Articles of Impeachment against the said *James Logan*, which, being read, were agreed to by the House, and are as follow.

ARTICLES of Impeachment, *exhibited by the Freemen of the Province of* Pennsylvania, *in this present Assembly met, in their own, and in the Name of all the Freemen of the said Province, against* James Logan, *Secretary of the same Province, of high Crimes, Misdemeanours and Offences.*

THAT the said *James Logan* hath wickedly endeavoured to deprive the Queen's Subjects in this Province, of the Privileges and Benefits which they ought to enjoy by the fundamental Laws of *England*, and established Constitutions of this Government, and instead thereof to introduce arbitrary Government against Law, which he has declared by divers Words, Opinions, Practices and Actions.

1. That whereas the late King CHARLES the Second, by his Letters Patent to the Proprietary, commands, that the Laws to be enacted by him, or his Lieutenant, by and with the Advice, Assent and Approbation of the Freemen of this Country, or the greater Part of them, or of their Delegates, shall be most absolute and available in Law, under a Proviso, that such Laws be not repugnant, but, so far as conveniently may be, agreeable with the Laws of *England*, and not adjudged or declared void by the King, his Heirs, or Successors, within the Time, and after the Manner, in the said Letters Patent prescribed: nevertheless the said *James Logan*, endeavouring to render that Part of the royal Grant, as well as the Power of Legislation, ineffectual to the Queen's Subjects, under the Administration of this Government, did insert a certain Salvo or Exception, in the Proprietary's Commission to his Lieutenant-Governor, whereby the final Assent to all such Bills as he was to pass into Laws in this Province, is absolutely lodged in the Proprietary, notwithstanding such Lieutenant (clothed with the royal Approbation, and in all other Respects qualified in the Proprietary's Absence to act in Legislation) did concur in the Enacting of those Laws.

2. That whereas by the Charter of Privileges, which the Proprietary in General Assembly, held here the Twenty-eighth Day of *October*, 1701, granted to the People of this Province,

it is (amongst other Things) provided, That the Elections of their Delegates to serve in Assemblies, should be on the first of *October* yearly, and their Meeting on the fourteenth Day of the same Month, and they should sit upon their own Adjournments; nevertheless the said *James Logan*, not ignorant of the Premises, but contriving, and wickedly intending, to violate that Part of the Constitution of this Government, did insert a Clause in the aforesaid Commission, which impowers the Governor, by his Writs, to call Assemblies, and the same from time to time to prorogue or dissolve, as he shall see Cause.

3. That whereas by an Act of Assembly, made at *Newcastle* in the Year 1700, and afterwards confirmed here, it was directed, that all Lands, taken up and possessed as that Act mentions, should be confirmed by the Proprietary to the Settlers or Possessors thereof, their Heirs and Assigns; and the Proprietary appointed Commissioners of Property, in his Absence, to confirm the said Lands accordingly: But the said *James Logan*, as he was the Proprietary's Secretary, or under some other Pretence, contrary to Law and good Conscience, did impose upon divers of the Queen's Subjects certain Patents or Grants of his own drawing, for the Confirmation of their Lands, refusing them Draughts or Copies of those Grants to advise concerning the Validity thereof, or the Assurance of the Lands thereby to be confirmed.

4. And that he the said *James Logan*, contrary to Law and Justice hath, in divers of the said Patents, reserved Quitrent for several Years before the Patentees had any certain Location or Assurance of their Lands; and denied several Persons their Patents, unless they would comply with these and such like unreasonable Terms; and makes the Freeholders pay Quitrent for the Land which the said Act of Assembly allows them for Roads, and Difference of Survey.

5. That altho' by the said Act of Assembly the Proprietary was let in at any time, within two Years then after, to resurvey the People's Lands; and by another Act made at *Philadelphia*, in the Year 1701, he had another Year given him to continue his Re-surveys; yet the said *James Logan*, as one of the Proprietary's Commissions, after the Expiration of the Times in the said Acts limited for Re-Survey, and after the Queen repealed the said Acts, did grant our Warrants for Re-surveys, whereby divers of the Queen's Subjects have been disquieted in their Lawful Possessions.

6. That the said *James Logan*, without any Authority of Law, hath caused Partitions of Lands in this Province to be made between Persons having undivided Rights, whereby Lands have been surveyed and allotted to some of the Parties, without the Consent or Privity of the others, to whom those undivided Rights belonged; which is to the manifest Injury of the Subjects, and evident Subversion of the Law.

7. That whereas the said *James Logan*, on the Tenth of the *Tenth Month*, 1705, received by *John Guy*, certain Objections, made by the Commissioners of Trade and Plantations, upon several of the Laws of this Province; which Objections, excepting only some Part of that about Attest of Officers, he, the said *James Logan*, to the great Loss and Detriment of this Province, did conceal from the Assembly then sitting, whereby several of the Laws then enacted are liable to be repealed by the Queen, for the same Reasons as the former were; but if the said Objections had been produced to that Assembly in due Time, divers other Laws, of great Moment to the People of this Province, which were objected against, might have been amended, and sent Home with the rest of our Laws, intirely accommodated to the Expectation of the Board of Trade, which would have been the only Way to recommend them for the royal Allowance.

8. That the said *James Logan*, in that Part of the said Objections which he laid before the last Assembly about the Attest of Officers, has wholly omitted what would have discovered how the Proprietary was about surrendering this Government; so that the Impost and Forfeitures, which that Assembly, for want of seeing the aforesaid Objections, have given to the Proprietary, contrary to the Opinion of the Board of Trade, might have been appropriated for the Support of this Government, under such Administration as the Surrender had cast it, without endangering the several Laws then passed, directly opposing the said Objections, which may prove most fatal to those, as well as the rest of the Laws, and to the Province in general.

9. That whereas the Offices of Surveyor-General, and the Proprietary's Secretary, ought to be kept, as they were at first intended, to be mutual Checks upon each other, for the general Security of the Proprietary and his Tenants; nevertheless the said *James Logan*, contrary to the Proprietary's Intent by the first Institution of the said Offices, and to the manifest Insecurity of the Freeholders and Owners of Land in this Province, hath, since the Death of *Edward Pennington*,

late Survey-General, kept both the said Offices in his own Hands or Power.

10. That whereas the Charter of Privileges has made Provision for the Recording of the Laws of this Province in the Roll's Office forthwith after they pass the Governor and Assembly; nevertheless the said *James Logan*, contrary to the said Charter, and against the Liberty of the Subject, has detained till of late the Laws passed at the last Assembly, so that no authentick Copies could be had thereof for the Service of the Country.

11. That whereas all Grants or Patents, after they pass the Proprietary's great Seal, ought to be delivered to the Grantees, and not to be cancelled or vacated, but by due Procedure upon a *Scire Facias*, in a Court of Law or Equity; nevertheless the said *James Logan* hath detained several Patents from the Owners thereof, until they would comply with his unreasonable Terms; and he the said *James Logan*, of his own Presumptous Mind, without any lawful Authority, hath vacated some of the said Patents, and charged or caveated the Master of the Rolls, who had recorded the same Patents, that he should make out no Exemplification or Copy thereof.

12. That after the Charter of Privileges, and Charter of the City of *Philadelphia*, has passed the Proprietary's great Seal, and received the necessary Sanctions to make them Grants of Record, he the said *James Logan*, to the great Dishonour of the Proprietary, and with a wicked Intent to create Divisions and Misunderstandings between him and the People, did, at divers Times, and upon several Occasions, declare, that the Proprietary never intended to grant several Things which are expressly granted in the said Charter.

13. That whereas *John Budd*, at the last Election for the County and City of *Philadelphia*, was duly chosen Sheriff of the said City and County for this Year; nevertheless the said *James Logan*, to shew his further Endeavours to subvert and betray the Rights and Privileges of the People in such Elections, hath advised or persuaded the said *John Budd* not to insist upon having the said Office of Sheriff in Right of the People's Election, but to take it as the Governor's Donation.

All which Words, Opinions and Actions, of *James Logan*, were by him spoken and done wickedly, falsely and maliciously, to set a Division between the Proprietary and the

People of this Province, and to subvert the Law, and to introduce an arbitrary Government.

And the said Representatives, by Protestation, saving to themselves the Liberty of exhibiting at any Time hereafter, any other Accusation or Impeachment against the said *James Logan*, and also of replying to the Answer that he shall make thereunto, and of offering Proofs of the Premises, or of any other Accusation that shall be by them exhibited against him, as the Case shall require, do desire, that he the said *James Logan* may be put to answer to all and every the Premises, and that such Proceedings, Examinations, Trials and Judgments, may be upon him had, and used, as is agreeable to Law and Justice, according to the Course of General Assemblies.

Resolved, That the said *James Logan* be impeached upon the said Articles and that the said Impeachment be signed by the Speaker, and sent to the Governor.

Ordered, That *Samuel Richardson*, *Francis Rawle*, *Samuel Levis*, and *Samuel Darke*, do wait upon the Governor with the said Articles; and desire to know if he hath considered the last Answer sent by the House, which was left with the Secretary, he being gone to *Chester;* and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Bill prepared for a supplementary Act to the Law already made *for raising County Levies*, being again read and debated, and the Question being put, that the said Bill be committed? *It passed in the Negative.*

A Motion being made, that a Bill be prepared for the more effectual destroying of Wolves in the County of *Philadelphia;* and that all due Encouragement be given to such as shall kill them, by raising a County Stock for that Purpose only;

Ordered, That *Griffith Jones*, *John Hoodt*, *William Hudson*, and *Richard Hayes*, be a Committee to prepare the said Bill. and that it be brought to the House To-morrow; and then the House adjourned till Two a Clock *post Meridiem.*

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

A Proclamation put forth by the Governor, concerning establishing Courts by an Ordinance, being brought to the House, and read; and the Assembly taking Notice, that the Governor is pleased therein to declare, that this House will

not agree to such a Bill for the Establishing Courts of Judicature in this Province, as the Governor can in Honour and Justice comply withal;

Resolved, That the House will immediately resolve itself into a Committee of the whole House, to consider of the Reasons why they cannot agree with the Terms proposed by the Governor for passing the Bill for Regulation of Courts: And accordingly the House resolved into a Committee of the whole House to consider the same; and, after some Time spent therein, the Speaker assumed the Chair, and *Griffith Jones* reported from the said Committee, that they had made some Progress in the Matters to them referred, but not having finished the same, the Committee had directed him to move for Leave to sit again.

Resolved, That this House will, To-morrow Morning, at Nine a Clock, resolve into a Committee of the whole House, to proceed in the farther Consideration thereof; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Members appointed to attend the Governor with the Articles of Impeachment against *James Logan*, reported, to the House, that they were at the Secretary's Office, and enquired for the Governor, Yesterday; but he not coming to Town, they could not deliver the said Articles till this Morning, that they attend him at his Country-House, and delivered them; and that they had also delivered the Message sent by the House about the last Answer left with the Secretary; and that the Governor was pleased to acquaint them, he had heard nothing of the said Answer.

The Committee appointed to regulate and inspect the Minutes of Assembly, reported, that they had inspected and settled the said Minutes, according to Order.

Then the House, according to the Order of Yesterday, resolved into a Committee of the whole House, to proceed in the farther Consideration of the Reasons why they cannot agree with the Terms proposed by the Governor for passing the Bill of Courts; and, after some Time spent therein, the Speaker assumed the Chair, and *Griffith Jones* reported from the said Committee, that they had agreed upon certain Resolves, which they were of Opinion should be represented by way of Remonstrance, in order to clear the Assembly from the Inputations endeavoured to be cast upon them by the said Proclamation.

Ordered, That a Committee be appointed to draw the said Remonstrance accordingly, and bring the same to the House To-morrow.

Benjamin Chambers, who formerly had Leave to bring in a Bill for establishing the Lower Ferry, on *Schuylkill*, brought the said Bill to the House, and the same was read, and ordered a second Reading; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Committee appointed to draw the Remonstrance, according to Order, brought it to the House, and the same was read, and ordered to be read again, and debated by Paragraphs, which was done accordingly; and, after some Amendments, was agreed to by the House, and is as followeth.

The REMONSTRANCE *of the* Representatives *of all the Freemen of the Province of* Pennsylvania, *in* Assembly *met, sent to the Lieutenant Governor of the same Province on the 28th Day of* February, 1706-7.

May it please the Governor,

WE have always desired that a good Correspondence may be preserved between the Governor and this House; and whenever he has been pleased to let us know his Objections to the Bill of Courts, which we left with him for his Concurrence above three Months ago, we have, from time to time, so far as we could, in Discharge of our Duty to the Queen, and Trust to the People we represent, agreed to every such Amendment as the Governor made appear to be necessary and convenient for a regular Establishment, endeavouring, as much as in us lay, to accommodate the Bill to the Minds of our Superiors at Home, as well as to the Circumstances of the Country, bringing it as near as we could to an *English* Establishment, which, in our Opinion, was the proper Way to recommend it to such an Administration as the Proprietary's Surrender of this Government may bring over us.

That our Answer of the Twenty-second Instant, as well to what remained in Difference upon the Governor's former Objections, as to the new Ones, which he reserved in his Message of the Twenty-fourth of *December*, and did not think fit to impart to this House till the nineteenth Instant, we thought might have satisfied the Governor that we were, as we still are, ready to agree with him to revive the Courts, with the Pleas and Process, by a Law; and inasmuch as we found the Governor averse to what we proposed for removing

of evil Judges, and for appointing Fines and Forfeitures to the Queen, therefore our Desires of having the Courts established, and the right Way to Justice opened, have prevailed upon our Inclinations to wave further Debates about the Clauses relating to those two Points, and leave them out of this Bill; so that the Matters proposed by the Bill, whereunto the Governor, by his Message of the Twenty-fourth Instant, seems chiefly to refuse his Concurrence, are those about the Method of licencing of Publick-houses, displacing the Clerks of the Courts for Misbehaviour, and about settling Officers Fees.

As to that about granting Licences, we find the former Law in that Case repealed by the Queen, for no other Reason, as we understand, but only upon the Objection of the Lords of Trade, which is in these Words, *viz.* "If the Government be surrendered to her Majesty, this Act cannot be confirmed, because these Licences are to be granted by the Proprietary, or his Heirs, or his or their Deputy Governor, and the Penalties are in Part appropriated to the Proprietary." And the Answer which the Proprietary made to this Objection, we have in these Words, *to wit*, "I desire only the Privileges truly Proprietary, or as Lord of the Manor of the Country, except the Queen pleases, at the Instance of the Board, to make further Distinction." But we find no such Distinction, but an absolute Repeal ensued; whereupon we conceived it our Duty, as well as we do assert it our Right, to adapt such Parts of the Laws of *England*, as may be necessary to supply the Defects of the Constitutions of this Government; and for that End, as well as to prevent the like Objections for the future, we proposed by the Bill, that those Licences should be granted by the Justices here as in *England*, which would have brought the Magistrates into such a Method as might effectually enable them to prevent, as well as suppress, the Disorders of those Houses; but what the Governor is pleased to propose upon that Head, *to wit*, That no Licence should be valid that is not granted upon a Recommendation, amounts to no more than what may be collected from the Charter of Privileges, which has been eluded, and rendered very ineffectual to regulate those Houses; because the Governor, without the Recommendation of the Justices, has licenced some (though the Charter made him no such Reserve) and others, who were rejected by the Magistrates of the City of *Philadelphia*, have been licenced to keep Publick-houses in the City, upon the Recommendation only of the County Magistrates, which we find hath weakened the Hands of the City

Magistrates, and multiplied those Houses to that Degree, that some of them, to promote their Trade, are reckoned the very Source of Debauchery in this Place.

As to what we propose by the Bill about displacing the Clerks, we copy after a Statute made in the first Year of the Reign of King WILLIAM and Queen MARY, agreeable with the Reason of other Statute Laws of *England;* and for the Fees, we informed the Governor several Times that we were ready to augment them, if sufficient Allowance be not proposed by the Bill.

That notwithstanding all our Endeavours for a regular Constitution, we find, to our great Surprize and Dissatisfaction, that whilst the Governor was sending Messages to us about the Bill, and we spending our Time to accommodate it as near as we could to his Expectation, he was pleased to publish an Instrument or Ordinance for establishing Courts, with a Proclamation to back it; whereby the Governor declares, that this House would not agree to such a Bill for that Purpose, as in the just Discharge of the Trust reposed in him by the Queen's Majesty and the Proprietary, he could by any Means assent to: We know that the Sincerity of our Intentions and Proceedings in this Assembly, is sufficient to advocate for us in the Hearts of all impartial Men, therefore we are the less concerned at present to make further Animadversions upon the Governor's Actings in this Matter; and shall only observe, that it has never been doubted by this House, but the royal Charter gave the Proprietary and his Heirs, and their Deputies and Lieutenants, full Power to appoint Judges, Justices, and Officers, and to do all Things which unto the complete Establishment of Justice, unto Courts and Tribunals, Forms of Judicature, and Manner of Proceedings, do belong.

And we are humbly of Opinion, that if it were not for this Clause the Governor, barely as such, would have not Power at all to make Judges and Justices; for we understand that no Subject can constitute such Magistrates, but by express Power from the Crown, and when that Power is purused, they that are so constituted, are virtually authorized by the King's Grants, under the great Seal of *England;* so that we conceive this Branch of the royal Charter serves only to authorize the commissionating of Judges and Justices, and relates meerly to the Forms of their Judicatures, and Manner of Proceedings, and leaves the Jurisdictions and Proceedings themselves to be supported and directed by a Law: And how far the Proprietary, or those Magistrates, so as aforesaid con-

stituted, can, by Ordinances, extend their Power, without the Concurrence of the People's Representatives, is evident from what follows in the royal Charter, in these Words, *viz.* "And forasmuch as in the Government of so great a Country sudden Accidents, do often happen, whereunto it will be necessary to apply a Remedy before the Freeholders of the said Province, or their Delegates, or Deputies, can be assembled to the making of Laws; neither will it be convenient, that instantly upon every such emergent Occasion so great a Multitude should be called together: Therefore, for the better Government of the said Country. We do will and ordain, and by these presents, for us, our Heirs and Successors, do grant unto the said WILLIAM PENN, and his Heirs, by themselves, or by their magistrates and Officers, in that Behalf, duly to be ordained as aforesaid, to make and constitute fit and wholesome Ordinances from time to time within the said Country, to be kept and observed, as well for the Preservation of the Peace, as for the better Government of the People there inhabiting, and publickly to notify the same to all Persons whom the same doth or may anywise concern; which Ordinances, our Will and Pleasure is, shall be observed inviolably within the said Province, under the Pains therein to be expressed, so as the said Ordinances be consonant to Reason, and be not repugnant nor contrary, but, so far as conveniently may be, agreeable with the Laws of our Kingdom of *England*, and so as the said Ordinances be not extended in any Sort to bind, change, or take away the Right or Interest of any Person or Persons for, or in, their Life, Members, Freehold, Goods or Chattels."

That the Proprietary never thought fit to extend his Powers to establish Courts of such general Jurisdiction as his Lieutenant endeavours by his Instrument now to do; nor did Colonel *Fletcher*, when he had the Administration of this Government under the immediate Direction of the Crown, ever attempt to establish Courts without the Assent of the House of Representatives; but, on the contrary, the Proprietary, in the Beginning of his Administration, and his former Deputies, as well as Colonel *Fletcher*, and his Lieutenant, as often as there was Occasion to establish or regulate Courts of Judicature, did it by Acts of Assembly.

We are still of Opinion, that the present Governor cannot establish Courts now by Ordinance without our Concurrence; not only because we are ready to agree with him in regular Establishment, but also, for that in the Law of Courts lately repealed by the Queen, there is a Clause which declares, that

all the Laws formerly made, and then in Force, concerning the Erecting, Regulation and Jurisdiction of County Courts, Provincial Courts, or Orphans Courts, are thereby repealed; which Laws so repealed, were formerly passed by the Proprietary, or his Deputies, and ratified or re-enacted by Colonel *Fletcher;* and we understand it is a Rule in Law, that when an Act of Repeal is repealed, the first Act that was repealed is revived, which gives us just Grounds to conceive, that the Laws about Orphans Courts, Monthly and Quarterly Courts, and about Appeals to the Provincial Courts, passed by Governor *Fletcher*, in the Year 1693, are revived by the Queen's Repeal of that Law which repealed them.

But supposing there be no Law to recur to, yet we are of Opinion, that when the Courts and Jurisdictions were once established by a Law, which is afterwards repealed, no Ordinance can be effectual without the Concurrence of an Assembly to renew or establish those Courts again; for if the royal Charter had given the Governor Power to renew those Courts, it would have also enabled him to revive the Process, the one being so essential a Concomitant to the other, that without he can do both by his Ordinance, he brings the Subjects under greater Oppression than before.

It is evident that the said royal Charter directs the legislative Authority here to ordain and enact Laws for any End, appertaining either to the publick State, Peace or Safety of this Country, or unto the private Utility of particular Persons; and it is as clear, that in regard the People have a Share in that Authority, they ought to have their Suffrage in ordaining and enacting those Things that appertain to the publick State, Peace or Safety of this Province. Now that the Establishment of Courts and Judicatures appertains to the publick State and Peace of the Province, and highly concern the Queen's Prerogative, as well as the Lives, Liberties and Estates of her Subjects, we think is beyond all Doubt. Then the next Thing to be considered is, how the Governor's Ordinance stands in those Respects: We find no Instances of establishing Courts by Ordinances of Governor and Council, but in Governments under the immediate Direction of the Crown, where the Council are, in some Respect, incorporated to the Governor, and have express Power to erect Courts by their Ordinance, which our Governor and Council have not.

We perceive that the Governor expects his Ordinance to have the Effect of a Law, and requires Compliance therewith, under utmost Peril, and though it may now have a Shew of a regular Constitution, under a specious Pretence, yet it will

be liable hereafter to receive Alterations from the same Will and Pleasure that made it, and have Continuance accordingly, without being at all submitted to the Scrutiny and Inspection of the Queen, as our Laws ought to be within the Time prefixed by the royal Charter; and we conceive, that if the King intended the said Ordinances should be of so general Extent, Provision would have been made for transmitting them as well as the Laws.

That by the same Rule that the Governor made our Concurrence insignificant to the Establishment of Courts, he may render the Suffrage of the People's Representatives so in all other Matters relating to the publick State, Peace and Safety of this Province; and expose the Trials of the Lives and Liberties of the Queen's Subjects, and the Determination of their Properties, to very great Uncertainties: But if an Assembly could at any Rate obtain a Law for the Regular Establishment of Courts, and it happens that a Governor, who finds that such Judicatories do not suit his Purposes, will make it his Business to procure a Repeal, without assigning any more Reason for it than is given us for the Repeal of the last Law of Courts, the People must be under a Necessity of re-enacting, pursuant to his Directions or of submitting to his Ordinance, which is much the same.

All which Matters and Reasons being duly weighed by the Governor, we hope he will be pleased to wave insisting further upon his Ordinance, and pass the Bill of Courts, with the Amendments and Alterations proposed by this House; and be satisfied that they ought not, nor can, without deserting their Trust, depart from their former Resolves about establishing Courts by Ordinance.

Signed, by Order of the House, N. C. D.
DAVID LLOYD, Speaker.

Ordered, That *Joshua Hoopes*, and *Henry Paxton*, and *Evan Lewis*, do wait upon the Governor with the said Remonstrance, and acquaint him, that the House is inclined to adjourn for two months, unless the Governor have Occasion to call us sooner; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Joshua Hoopes, and *Evan Lewis*, two of the Members appointed to wait upon the Governor with the Remonstrance last Night, acquainted the House, that they had attended the Governor at his Country House this Morning with the

said Remonstrance, and had also delivered the Message of the House about the Adjournment, according to Order; and that the Governor was pleased to acquaint them, that he supposed the Members wanted to be about their own Occasions at Home and wished them well to their Habitations.

Ordered, That the Votes of this Session, after they are revised, shall be transcribed at the Charge of the Province, and Copies thereof signed by the Speaker, and published in each County.

The House then proceeded to consider the Necessity of representing the true State of the Affairs of this Province, more especially the Business at this present Session, to the Agents formerly constituted by this Assembly, who have respectfully intimated their Readiness to assist the People here; and, after some Time spent therein, the House came to the following Resolutions.

1. That the Speaker, with the Advice and Approbation of *Griffith Jones, Francis Rawles, Joshua Carpenter, Samuel Richardson, William Hudson, Francis Cook*, and such others of the Members of this Assembly as can conveniently meet, shall revise and examine the Minutes of Assembly, and in Behalf, and by Order, of this House, with the first Opportunity, transmit to the said Agents such Parts of the said Minites as may be proper, with a Request, that they will be pleased to apply to the Proprietary in Behalf of the People here, as we have formerly requested them.

2. That a full and ample Representation be drawn by the Speaker, setting forth the Obligations the Proprietary is under, by publick and private Promises, Concessions and Charters, to the Purchasers and Adventurers into this Province, as near as may be to the Representation made the Twenty-sixth of the *Sixth Month*, 1704, and how far short he has been in the Performance of his said Promises and Engagements; together with the Methods used by his Lieutenant and Secretary here to elude the Grants made by his late Charters, and otherwise; as also his said Lieutenant's setting up his Ordinance instead of Law, with what may be the consequence thereof, respecting the royal Charter on the one Hand, and the People here on the other, And further, that in case the Proprietary hath surrendered, or that full and ample Relief in the Premises cannot be readily obtained from him, that then they be requested to make Application to the Lords Commission of Trade, giving them an Account of the Concealment of their Objections to the Laws from the last Assembly, and the Con-

sequence thereof; also his Proclamations, exempting divers of the Inhabitants from their Duty upon the Watch, and serving as Constables, and of the false Alarm contrived by him to the great Damage of the People, the Sixteenth of the *Third Month* last; as also of his erecting his Ordinaces, and how it may elude the royal Grant, being not liable to be transmitted Home for the royal Allowance, or otherwise, together with his other arbitrary Methods of Government, and earnestly requesting Redress in the Premises, *&c.*

3. That the Speaker be desired to prepare the said Representation, and Letters to accompany it, against the next Meeting of the Assembly, in order to be deliberately considered and agreed on by the Assembly, and that the said Letters be then signed by the Members; for which he is to be allowed out of the publick Stock *Twelve Shillings per* Day, whilst he is drawing and preparing the same.

Ordered, That the Speaker sign Notes to the several Members, of the Time they have given their Attendance on the Service of this Assembly respectively; and also for the Clerk and Door-keeper's Wages; and that an Order be drawn by the Speaker upon the Treasurer, to pay them out of the first Money which shall come into his Hands, after the *Eight Hundred Pounds* to the Governor be paid; and then the House adjourned till the fifth Day of the *Third Month* next, unless the Governor hath Occasion to require their Attendance sooner.

THE Governor having ordered the Sheriffs of the respective Counties of this Province, and the City of *Philadelphia*, to summon the Assembly to meet this Day, the House met accordingly, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared

Ordered, That *John Swift*, and *Francis Chadds*, do wait upon the Governor, and acquaint him that the House is ready to proceed upon Business.

The said Members returned and reported, that they had delivered their Message, according to Order, and that the Governor had acquainted them, that it was then late in the Evening, but that he will send to the House To-morrow Morning; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

A Copy of Presentment of the Grand Inquest of the County of *Philadelphia* being brought to the House, was ordered to be read, and is as followeth.

AND *we do also present, that it is a very great Aggrievance to us, and the Country, that some of the Justices committed* William Jenkins *into the Sheriff's Custody, when he, being return'd upon this Grand Inquest, was attending the Service of the Queen and Country, and gave no other Occasion of Offence, as we could perceive, but producing in Court a Remonstrance, under the Speaker of the Assembly's Hand, and desired it might be read*

Philadelphia, *the fifth of the*
First Month, 1706-7. ROBERT BURROW, Foreman.

The House being informed that *James Logan* hathe lately taken the Votes of the Assembly out of the Coffee-House;

Ordered, That Samuel Richardson, and *Joshua Hoopes,* do go to the Governor, and acquaint him that the House is ready to receive what he will be pleased to communicate; and also, that they enquire at the Coffee-House for the Votes of the Assembly, lately sent there for pubilck View; and if they be not returned, that then they go to *James Logan,* and let him know that the House commands him to send the said Votes forthwith to the House.

The said Members returned and reported, that they had delivered their Message to the Governor according to Order, and that he was pleased to acquaint them, he intended to send a Message to the House, when it was transcribed, which he supposed would be done in Half an Hour. And they further reported, that they had enquired at the Coffee-House for the Votes of Assembly, and being informed that *James Logan* had not yet returned them, they had acquainted the said *Logan* with the Commands of the House, touching the sending the said Votes immediately to the Assembly, and that he acquainted them he would send the Votes to the House in the Afternoon.

Richard Hill brought a written Message from the Governor, which was read, and is as followeth.

From the Governor to the Assembly, March 19, 1706-7.

"THE Governor being still desirous that all the Wants of the Publick should, as far as in him lies, be fully supplied, that Fees may be regulated, and the Pleas and Process revived, thinks fit to continue his Offer to pass the Bill for establishing Courts, upon the Terms of his last written Messages.

The Governor and Council were of Opinion, from the House's Message of the Twenty-second of *February,* and still hope, that the Assembly waved all those Points that

had been objected against, those of licencing Publick Houses, and removing of Clerks expected; for the Regulation of Fees could properly be no Objection, the Governor having always himself pressed it.

To the first, the House is desired to take it as the Governor's positive Answer, that the Granting of Licences being no Part of the Regulation of Courts, nor necessary to it, he will by no Means agree that it be brought into this Bill; but is willing to concur in any Thing than can be reasonably proposed for the better Regulation of Publick Houses.

The Invalidity of the Argument against the Governor's licencing of those Houses, taken from the Objections of the Lords, is so very obvious, that it requires no Answer; for if because the Proprietary after a Surrender must not have the Power, therefore the Governor ought at no Time to have it, it will as well hold by the same Argument, that because after a Surrender the Proprietary must not exercise the Powers of Government, therefore there must be no Governor; and the House is earnestly entreated to forbear troubling the Governor with such empty Amusements, that only occasion Loss of Time, and, by their Weakness, throw a Reflection on the legislative Authority: which were this the only Instance of the Kind, even in their last unwarrantable Remonstrance, would not be thus mentioned.

As for the Removal of Clerks, the Governor is of Opinion, that there is as ample Provision made by the Proprietary's Charter as is necessary in relation to those Officers; and being what the Proprietary thought fit to grant, the factious Humours that frequently predominate in these Parts, render it unsafe for the Governor to concede to more, though, were there that even Temperature here as in *England*, it might more easily be granted; but the House has often been told that our Circumstances widely differing. Things will not equally suit: And the House is desired to consider, whether, if the Governor would absolutely refuse to pass an Act for Courts, unless the House would agree to establish a Militia for the Defence of the Queen's Subjects, and bring for an Argument, not only one particular Statute of *England* for it, but a great Number, together with the Practice of it from the first Beginning of Government; and further alledge that there are such Acts passed, not only in *England*, but also in every other Colony in the Queen's Dominions; and besides, that it is the express Command of the Government in *England*, that there should be the same, or something equivalent, here; should the Government abso-

lutely deny to restore the Administration of Justice to the country, unless the House would consent to this, for which so many powerful Arguments are produced, they are desired to consider what their Sentiments would be upon it, and to think of the Parellel.

For settling of the Fees, the Governor renews his former Proposal, of having it done by a Committee, and the House is desired to return their Answer without Delay; but they are in general required to take Notice, that the Governor is well assured of the Sufficiency of his Power in establishing the Courts, as has been done, and that it was his indispensible Duty so to do; and, until they shall be brought to another Foundation by a Law, he will assert that Power, and exact a full Compliance."

Signed by Order of the Governor,
JAMES LOGAN, *Secretary*, and *Cl. Con.*

Ordered, That the said Message be read again in the Afternoon; and then the House adjourned till Two a Clock, P. M.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Governor's Message being again read, and debated by Paragraphs,

Ordered, That a Committee be appointed to draw an Answer to the said Message, and bring the same to the House To-morrow Morning; and then the House adjourned till Nine a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Committee appointed Yesterday to draw an Answer to the Governor's Message, brought it to the House, where the same being read, and debated by Paragraphs, was, after some Amendments, agreed to by the House, and ordered to be transcribed, and brought again in the Afternoon; and then the House adjourned till Three a Clock, P. M.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Assembly's Answer to the Governor's Message being transcribed, and brought to the House, was again read, and is as follows.

The Assembly's ANSWER to the Governor's Message, sent to the House on the 19th of *March*, 1706-7.

May it please the Governor,

OUR *Desires to have the Wants of the Publick better supplied, prevailed with us so chearfully to embrace this Oppor-*

tunity of meeting the Governor, at a Juncture wherein our domestick Affairs may greatly suffer in our Absence, the Season of sowing the Summer Grain being begun, and our Cattle at the weakest.

That inasmuch as the Governor, before our last Adjournment, on the first Instant, seemed so willing that we should not then be put to further Attendance, but might repair to our Habitations, we hoped that his calling us at this Time would have been to pass the Bill of Courts, with the Amendments agreed upon, or that he had some new Matter to lay before us, which would conduce to a more regular Establishment, or bring the Bill nearer to suit the Minds of our Superiors, that so it might be more likely to obtain the royal Sanction; but, to our great Disappointment, we find the Governor still insists upon the same Points which we gave him our particular Answers and Resolutions upon, and see no cause to recede from, till Reasons more cogent and applicable be advanced to invalidate what we have offered, and still do insist upon, concerning those Parts of the Bill whereunto the Governor refuses his Concurrence, which we understand, by his last Message, to be that about licencing Publick-houses, and about Removal of Clerks; the one being by us proposed as the most effectual Means to prevent the Debaucheries of this Place, and the other intended to settle the Method of convicting such Officers here, as it is in England, *which will render the Proprietary's Charter more consistent and practicable in that Point, and be very safe for the Governor to concede to.*

We do not understand that factious Humours have been so predominant here as when some were acting their Parts to influence the Election of Representatives in the Year 1705 *and when the Militia were drawn up in a military Posture to awe the Electors at* Philadelphia, *in the Year* 1704; *but why the Temperature of the People should be more uneven here than in* England, *is not yet demonstrated, unless by the vulgar Notion that the Intemperance of the Climate does influence them, which cannot justly be inferred; for Experience shews, that though this Place be (as the Proprietary formerly observed) about the Latitude of* Montpelier, *in* France, *yet the People are generally adverse to any but an* English *Constitution, as is evident, not only by their Dissatisfaction with the late Ordinance, set up instead of Law, for establishing Courts, but when other Attempts have been made upon their Birth-rights as* English *Subjects.*

We acknowledge, as the Governor has intimated, that the Circumstances of the Subjects here, and in England, *widely*

differ, and that every Thing which may suit the Generality there, will not be proper here, especially such as interfere with our religious Persuasions; but to infer from thence, that we ought not to have the common Rights and Privileges of Free-born English *Subjects, or adopt such Parts of that Constitution as may supply the Defects of our own in the Matters now in Debate, we think as empty an Amusement as any Thing we have offered, and do earnestly entreat we may not be troubled further with such Arguments, lest it bring that Reflection upon the Governor, which his Message would throw upon that Part of the legislative Authority wherewith we are at present intrusted.*

We can freely appeal to God and good Men, that we aim only at the publick Good; and if we discover a Weakness in what we offer, in order to a regular Establishment, we are willing it should be placed to our own Account, and that the Publick may not suffer for our Defects in asserting those English *Rights, which we rather admire than pretend to maintain by any other Arguments than only to assert them, as we are Free-born Subjects of* England, *whereby we are justly entitled to them; and if the Governor will be pleased to concur with us, in settling our Constitutions according to those Rights, he will soon perceive that the Want of them is the Grounds of the Dissatisfaction of us, and the People we represent.*

As to the express Commands of the Government in England, *touching the Establishment of a Militia, we are altogether Strangers to; but as to the Parallel, when the Settling a Militia is proved to be as necessary to the Well-being of Courts of Judicature, as the Justices Power in such Courts to remove Clerks for Misbehaviour, and settling the Method of their Conviction, the House will acknowledge it to be to the Purpose.*

As to the Officers Fees, we are still ready to embrace the Governor's Proposals, as we expressed in our Answer sent him the Twenty-fifth of last Month, in case the Governor will acquiesce with the rest of the Bill, and that the Officers lay before this House an Account of the Fees they usually take, which they have not hitherto done.

Upon the whole Matter, if the Governor be pleased to pass the Bill, we intreat it may be done with all possible Expedition, otherwise we are inclined to return to our Habitations.

Ordered, That the said Answer be signed by the Speaker, and that *Griffith Jones, Joshua Carpenter, John Hoodt,* and *Thomas Harding,* do wait upon the Governor therewith; and

also that they do, in the Name and Behalf of the Assembly, and of all the Freemen of this Province, desire that the Secretary, *James Logan*, may be put to answer the Articles of Impeachment exhibited against him.

Ordered, That *Joseph Wilcox*, *William Hudson*, and *Francis Rawle*, be a Committee to draw up several Bills formerly agreed on by the House, to be presented to the Governor for his Concurrence, in order to be passed into Laws, and particularly a Bill to impower Religious Societies, *&c.* to buy and sell Lands, *&c.* and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Members appointed Yesterday to attend the Governor with the Assembly's Answer to the Governor's last Message, reported, that they had delivered the same, accordingly to Order

The said Members also acquainted the House, that they had, in the Name and Behalf of the Assembly, and of all the Freeman of his Province, demanded *James Logan's* Answer to the Articles of Impeachment formerly exhibited against him; and that the Governor was pleased to tell them, that the said *James Logan* was to come upon Trial, and that Minutes of Council were entered in order thereunto.

The Committee appointed to prepare certain Bills to be presented to the Governor for his Concurrence, in order to be passed into Laws, brought such as were drawn to the House, where the same were read, and ordered to be read again in the Afternoon, the Titles whereof are as follows.

An ACT *impowering religious Societies, Towns, &c. to sell and buy Lands, &c. an* ACT *of Privilege to a Freemen; an* ACT *to oblige Witnesses to give Evidence, &c. an* ACT *to prevent the Sale of ill tanned Leather, &c. an* ACT *that no Publick-house or Inn within this Province be kept without License; an* ACT *against Menancing &c. and an* ACT *to prevent Disputes which may arise about Dates of Conveyances;* and then the House adjourned till Two a Clock, P. M.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Bill, intituled, *An* ACT *impowering religious Societies, &c. to sell and buy Lands, &c.* with the other Bills read in the Forenoon, being again read, and debated, were after some Amendments, agreed to by the House, and ordered to be ingrossed, and sent to the Governor.

Ordered, That *Joseph Wilcox*, and *William Hudson*, be a Committee to draw a Bill for a supplementary Act to the Act already made for raising County Levies; and also a Bill for Priority of Payments to the Inhabitants of this Province, and that they bring the same to the House To-morrow Morning; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Joesph Pidgeon brought a written Message from the Governor to the House, which was read, and is as followeth.

To the Assembly, March 21, 1706-7.

"AT calling the House this last Time together, I hoped, that after they had seen the Courts regularly held in every County of the Province, to the Satisfaction of the most discreet and understanding Men in the Government, they would have more seriously considered their Duty, and no longer have insisted with such Obstinacy upon unnecessary Points, to the great Loss and Disappointment of the Publick; but, to my own great Trouble, and the Unhappiness of the People, I find the same Measures and Tempers are continued, upon which I shall in general observe, that if what the House aims at, were really (as they say it is) the publick Good only, it will appear, that either they widely mistake the Means in their present Management, or else, by some unhappy Influence, think it their Business, as far as in them lies, first to involve the Publick in Confusion, that from thence what some, thro' their Dissaffection, may account to be a Good, may more probably arise out of it; for the present Measures taken by them can never answer the End of any direct or warrantable Means, seeing unless they can have such Points granted, as are not at all essential to the Business in Hand (which is only to establish the Court of Judicature by a Law (and revive the Process) they positively refuse to concur in opening any Way at all, by which the Queen's Subjects may have Justice administer'd to them.

But I have been informed, that, among many other Misreports, it has been industriously diffused and insinuated among the People, that I am not willing upon any Terms to pass the Bill proposed to me by the House, which, as it can be spread upon on other than a most malicious and wicked Intend to possess the Minds of her Majesty's Subjects, with Falsehood and Dissaffection to the present Government, notwithstanding I am well assured that the Courts are now es-

tablished upon as legal a Foundation as they can be with your Concurrence, I have therefore thought fit, and I do here solemnly protest and declare, and desire that due Notice may be taken of it accordingly, that I am not only ready, but desirous, to pass the Bill for Courts, sent up to me by the present House, as soon as you shall think fit to amend it according to the Objections sent to you on the Twenty-first of *February* last, which when once done, there shall be no Manner of Delay on my Part; and if you refuse on yours, since not one of those Objections are upon Points material to the Being and Regulation of Courts, it will belong to others to judge how far the publick Good has been considered by you; and however the weaker Part of the Country, thro' any indirect Endeavours, by false Suggestions and Insinuations, may be imposed upon, I shall be always well satisfied in this, that I have, in all my Proceedings with you, endeavoured, by the best Advice, faithfully to discharge my duty to her Majesty, the Proprietary, and the People; but whosoever shall hereafter be found guilty of spreading such false and seditions Reports, as their Design can be no other than to disturb the publick Peace and Tranquility of the Government, so they ought, and must expect, to be taken Notice of accordingly; in the mean time, in the farther Discharge of that Duty, I must not only expect, but require you, as you will answer for the Trust reposed in you, that if you still refuse to agree to the Bill upon the Terms I have proposed, you without Delay concur in renewing the former Pleas and Process, for which you have a Bill before you, and without which the Country must of Necessity deeply suffer.

The unmannerly Reflections and false Suggestions of your last Paper, with your frequent groundless and abusive Insinuations of arbitrary Government, are best left at this Time without any other Answer; for at first View they so largely shew the Spirit and Temper that they came from, that these alone, with capable Judges, may prove as effectual as any that can be given.

The Impeachment of the Secretary the House is desired to prosecute upon a Time for it without Delay."

JOHN EVANS.

Ordered, That the said Message be again read, and debated, which was done accordingly.

Resolved, That a Committee be appointed to draw an answer to the said Message according to the Resolve of the House thereupon, and bring the same to the House forthwith.

The Bills brought and agreed on Yesterday, being ingrossed, according to Order, were again brought to the House.

Ordered, That *Francis Cook*, and *Joshua Hoopes*, do present the said Bills to the Governor for his Concurrence.

The said Members returned, and reported, that they had enquired for the Governor at the Council-Chamber, in order to present the Bills to him, but were informed he is gone out of Town.

The Committee appointed to draw the Bill for supplementary Act to the Act already passed about County Levies, and the Bill for Priority of Payments to the Inhabitants of this Province, brought the said Bills to the House, and the same were read, and ordered to be read again in the Afternoon; and then the House adjourned till Two a Clock, P. M.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Bill for a supplementary Act, and Priority of Payments, being again read, and debated, were, after some Amendments, agreed to by the House, N. C. D. and ordered to be ingrossed.

The Committee appointed to draw and Answer to the Governor's last Message, brought the said Answer to the House, where the same was read; and, after some Additions and Amendments, agreed to by the House, and ordered to be transcribed, signed by the Speaker, and sent to the Governor, and is as followeth.

The Assembly's ANSWER *to the* Governor's *Message, sent to the House this* 22*d of the Month called* March, 1706-7.

May it please the Governor,

THE House cannot at present remember that they have left any Objections of the Governor against the Bill of Courts unremoved, save only those about granting Licences to Publick-houses, and Removal of Clerks, which we often acquainted the Governor, and now again, that those Things are the proper Business, and lie in the Power of Justices in *England*, and for that Reason we insist upon them here; and we conceive that what is expressed by the Bill in those two Points, is implied in the Bill recommended by the Governor for Regulations of Courts.

As to the Bill for reviving Process, which the Governor thought fit to lay before us, we acquainted him already, that it is supplied by our Bill; and if any Thing be wanting upon that Account, we shall readily agree to make it most effectual, to give the Parties concerned ample Relief therein, where they, or the Courts lately set up by Ordinances, have left us

any Room so to do: Wherefore, we earnestly desire that the Governor would be pleased to concur with us, and pass the Bill, with the Amendments proposed in our Answer, sent him the Twenty-second of the last Month, to his Message of the Fifteenth, and suffer not his Resentments, or the influence of evil Counsels, to prevail upon him, either to misrepresent our Endeavours for the publick Good, or reject our Proposals, because he thinks them not material to the Being or Regulation of Courts, though it cannot be denied but they are absolutely necessary to the Well-being of Courts, and good Government of the Place, and if duly put in Execution, will redound to the Honour of God, and publick Weal of the Province; which we solemnly declare to be our only Aim in those our Proposals, and desire that Notice be taken thereof accordingly.

As to the Secretary, we intend at our next Meeting to prosecute him upon the Articles already exhibited, and in the mean time expect that a Copy of his Answer be delivered to such as the Speaker shall appoint to receive it.

We herewith send several Bills, and have prepared some more, which, when engrossed, we have ordered to be presentend to the Governor for his Concurrence.

We are under an absolute Necessity, because of the Season, to adjourn till the Fifth of the Month called *May* next; in the mean time we intreat the Governor not to require our Attendance, unless some new Matters of extraordinary Moment occurs, since the Time at which we propose to meet is before the next Quarterly Courts come in Course.

Ordered, That *Samuel Richardson* and *Robert Jones*, do wait upon the Governor with the said Answer, and the ingrossed Bills brought to the House this Morning.

Ordered, That the Members formerly appointed to inspect and settle the Minutes of Assembly, do revise and correct the Minutes not yet published, in order to be sent to the Coffee-house.

The Members appointed to attend the Governor with the Assembly's Answer, and the ingrossed Bills, returned, and reported to the House, that they had delivered the said Answer, and the said Bills, according to Order; and then the House adjourned till the Fifth Day of the Third Month called *May* next.

THIS being the Day to which the House adjourned, the major Part of the Members met accordingly; but in regard there was not a competent Number to proceed upon Business,

the Members agreed to meet at Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the members were called over and a quorum appeared.

Ordered, That *Griffith Jones*, and *William Paxton*, do wait upon the Governor, and acquaint him, that we are a full House, and ready to proceed to Business, and desire to know where the Assembly may attend him when they have Occasion.

The said Members returned, and reported, that they had enquired of the Secretary at the Council-chamber for the Governor, and that he had informed them, that the Governor is gone to wait upon the Lord *Cornbury*.

The Speaker acquainted the House, that upon the Twenty-second of the First Month last, about two Hours after the House was adjourned, he received a written Message from the Governor, which was read, and is as followeth.

To the House of Representatives.

GENTLEMEN,

"I AM very much surprized to find by the last Clause of your Message this Afternoon, you are bent upon an Adjournment until the Fifth of *May*, whereas by a Message the Day before Yesterday, the House seemed so earnestly to press the Prosecuting the Articles of Impeachment against the Secretary, and I gave them full Satisfaction in their Request, by assuring them I was forthwith ready to proceed upon them; therefore and considering the great Weight and Burden any Man must lie under when he is accused by the Representatives of a Country, I do think it a Matter of extraordinary Moment, that the Secretary, do immediately come to a Trial, that Justice be not delay'd either to the Innocent or to the Guilty; and to that End I expect the Attendance of the House on *Monday*, the Twenty-fourth Instant, or they are to expect another Summons."

JOHN EVANS.

The Bill of Supplement to the Act already past for raising County Levies, and the Bill for Priority of Payment to the Inhabitants of this Province, being ingrossed, but not having been sent to the Governor, according to the Order of the House the Twenty-second of *First Month* last, he having been much of the Time since at *Newcastle*, were brought to the House, in order to be sent accordingly.

Ordered, That *John Swift*, *Joseph Baker*, and *John Roberts*, do wait upon the Governor with the above said Bills; and

further, to acquaint him, that two Members were sent from the House this Morning to acquaint him that the Assembly were met, and to request him to favour the House with an information where they may attend him when they have Occasion.

The said Members are also to acquaint the Governor, that the House desires to know whether he has considered of the Bill for Regulation of Courts, and those other Bills sent him before the last Adjournment.

The Members returned, and reported, that they had delivered their Message to the Governor, according to Order, and that he was pleased to acquaint them, that the Assembly might hear of him at any Time when they had Occasion at the Council Room, and that he would send an Answer to the Bills with all Speed; and then the House adjourned till Two a Clock, P. M.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared, and having waited for the Governor's Answer to the Bills lying before him till about Six a Clock, and none being brought, adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Thomas Story, and *Joseph Pidgeon*, in a Message from the Governor, acquainted the House, that the Governor desired the Assembly would revive the Pleas and Process by passing their own Bill of Courts, according to the Amendments proposed by him, or otherwise to pass that distinct Bill for reviving the Pleas, *&c.* sent to this House by the Governor; and that the Governor also desired that the House would proceed forthwith upon the Articles of Impeachment against the Secretary.

The House having been informed that the Secretary, *James Logan*, had lately acquainted the Lord *Cornbury*, that the Proprietary has exonerated himself of the Burden of Government of this Province, or used words to that Effect;

Ordered, That *Francis Rawles*, and *Griffith Jones*, do enquire of the said *James Logan* the Grounds of his said Information to the Lord *Cornbury;* and enquire of him whether he knows when the Council will sit.

The said Members returned, and reported, that they had enquired of the Secretary the Grounds of his Information: who told them, he knew of no Surrender of the Government, nor had received any Thing from the Proprietary at least these three Months, neither had he given the Lord *Cornbury*

such an Information; but confessed, that he hoped it was surrendered e'er this.

Ordered, That the Governor's Message, by the two Members of the Council this Morning, be taken into Consideration in the Afternoon; and then the House adjourned till Two a Clock, *past Meridiem*.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Governor's Message, by the two Members of Council this Morning, was again taken into Consideration; and, after some Time spent in the Debate thereof, the House came to the following Resolves.

1. *Resolved*, That is the Opinion of this House, that the Assembly cannot recede from their former Resolutions, contained in their late Answers to the Governor's Messages concerning the Bill of Courts, and reviving the Pleas and Process.

2. *Resolved*, That it is the Opinion of this House, that a Committee be appointed to attend the Governor To-morrow Morning, who, in Behalf of this House, and in the Name of all the Freemen of this Province, are to charge the Secretary, *James Logan*, upon the Articles of Impeachment exhibited against him by Order of this House, on the Twenty-fifth of the Month called *February* last, which he had hitherto delay'd to answer.

3. *Resolved*, That it is the Opinion of this House, that the said Committee do move the Governor to order the Secretary forthwith to answer the said Articles, and that his Answer may be reduced to Writing, in order that the Assembly may reply thereunto, and offer their Proofs, according to the Liberty saved to themselves by their Protestation made upon exhibiting the said Articles.

Ordered, That *Griffith Jones*, *Francis Rawle*, *Francis Cook*, *John Swift*, *William Paxton*, *Samuel Levis*, and *John Hoodt*, be a Committee to wait upon the Governor with the above Resolves, and to know his Answer to the Bills sent by this House for his Concurrence.

Ordered, That *Samuel Richardson*, and *William Garrett*, do wait upon the Governor, and acquainted him, that there is a Committee appointed to attend him about Business, and desire that he will be pleased to appoint a Time and Place for that Purpose.

The said Members returned, and reported, that they had been at the Council Chamber, but could not meet with the Governor; that one of them had spoke with the Secretary,

who had told him, he could not tell whether the Council would meet To-day or not; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Ordered, That *Joshua Hoopes*, and *Thomas Harding*, do wait upon the Governor, and acquainted him, that the Committee appointed to attend him about Business, is ready to wait on him when, and where, he will be pleased to appoint.

The said Members returned, and acquainted the House, that they had delivered their Message to the Governor; who was pleased to acquaint them, that he was ready to receive what the House had to communicate to him, and desired it might be done with Expedition, for that he was to go out of Town in a Day or two.

Ordered, That the Committee appointed to attend the Governor Yesterday with the Resolves of the House, do wait upon him with the said Resolves forthwith, and that they charge the Secretary according to the said Resolves.

The said Committee returned, and reported to the House, that they had delivered the said Resolves to the Governor, and had charged the Secretary upon the Articles of Impeachment, according to Order; that the Governor, after he had read the Resolves, acquainted them, he would send his Answer to them to the House; but that he had ordered the Counsellors Yesterday to deliver his Answer to the Bills.

The House considering that the said Counsellors had not delivered the Governor's Answer Yesterday to the said Bills, ordered, *Samuel Richardson*, and *Joshua Hoopes*, to wait upon the Governor, and acquaint him therewith; who, upon their Way to the Governor, met one of the said Members of Council, *viz. Thomas Story*, and acquainting him therewith, he delivered them a written Message from the Governor, which, he said, he should have delivered the Assembly the Day before, which being brought to the House, was read, and is as followeth.

"THE Governor takes the reviving of former Pleas and Process in Law dropt by the Queen's Repeal, to be of such Importance to the Country, that he must press the Dispatch of that, either by the Bill for establishing Courts, according to his last Objections and Amendments, or by the seperate Bill sent to the House, before any other Matters of Legislation."

"The House is also desired to prosecute the Impeachment against the Secretary without Delay."

Griffith Owen, and *Caleb Pusey*, in a Message from the Governor, acquainted the House, that he could not get a Council together, many of them being out of the Way, nor could he at present get a convenient Room for the Trial of the Secretary; therefore would have the Prosecution deferred till the twelfth Instant, at Ten a Clock in the Morning, at which Time he expected a Committee of this House to attend the Trial, and that when the Governor had Considered of a Place convenient, he could give the House Notice thereof.

A Petition of *Richard Hill*, and several other Merchants and Inhabitants of this Province, but mostly of the City of *Philadelphia*, in Behalf of themselves and others, inhabiting in, and trading to, this Government, was brought to the House, and read, and is as followeth.

To the Representatives of the Freemen of the Province of *Pennsylvania*, in General Assembly met:

The Petition of several of the Merchants and Inhabitants of the City of Philadelphia, *on the Behalf of themselves, and all others, inhabiting in, and trading to, the said Province.*

Sheweth,

THAT the late King CHARLES II, by his royal Charter, under the great Seal of *England*, bearing Date the fourth Day of *March*, in the Thirty-third Year of his Reign, did grant to WILLIAM PENN, Esq; Son and Heir of Sir WILLIAM PENN, deceased, and to his Heirs and Assigns, all that Tract of Land in *America*, called *Pennsylvania*, as the same is bounded on the *East* by *Delaware* River, from twelve Miles Distance northward of *Newcastle* Town, unto the Three and Fortieth Degree of Northern Latitude; the said Lands to be bounded on the *North* by the Beginning of the Three and Fortieth Degree of Northern Latitude; and on the *South* by a Circle drawn at twelve Miles Distance from *Newcastle;* Northward and Westward unto the Beginning of the Fortieth Degree of Northern Latitude; and then by a strait Line Westward to the Limit of Longitude in the said Charter mentioned; and the free and undisturbed Use and Continuance in, and Passage unto, and out of, all and singular the Ports, Harbours, Bays, Waters, Rivers, Isles and Inlets, belonging unto, or leading to and from the said Country; with Power, Licence and Liberty, unto all the Liege People and Subjects, both present and future, of the said late King, his Heirs and Successors (excepting those who shall be especially forbidden) to transport themselves and Families unto the said Country. And that the said Subjects might be encouraged to

undertake that Expedition, the said late King, by Virtue of the said Charter, did grant, as well unto the said WILLIAM PENN, and his Heirs, as to all others, who should from time to time repair unto the said Country, with a Purpose to inhabit or trade in the said Country, full Licence to load and freight in any Ports whatsoever of the said late King, his Heirs and Successors, according to the Laws of *England;* and unto the said Country, by them, their Servants, or Assigns, to transport all and singular their Goods and Merchandize, and all other Things whatsoever, necessary for Food or Cloathing (not prohibited by the Law and Statutes of *England*, to be carried out of that Kingdom) without any Lett or Molestation of the King, his Heirs or Successors, or of any of his or their Officers, saving the Impositions and Customs for the said Goods by Law due to the King, his Heirs and Successors. And, by the same Charter, Licence is also given to the said WILLIAM PENN his Heirs and Assigns, and to all the Inhabitants and Dwellers in the Province aforesaid, both present, and to come, to import or unload, by themselves, or their Servants, Factors or Assigns, all Merchandizes and Goods whatsoever, that shall arise of the Fruits and Commodities of the Province, either by Land or Sea, paying the Duties for the same to the King, his Heirs and Successors, as the rest of their Subjects of *England*, for the Time being, should be bound to pay, and observing the Acts of Navigation with Power to erect Ports, Havens and Keys, for loading and unloading of Goods and Merchandizes. Provided that all Officers, and their Deputies, appointed by the Farmers or the Commissioners of the Customs, for the Time being, should be admitted and received in and about all such Havens and Ports. And the King further declared his Pleasure, and by the said Charts, for him, his Heirs and Successors, did covenant and grant to and with the said WILLIAM PENN, his Heirs and Assigns, That the King, his Heirs and Successors, should, at no Time then after, set or make, or cause to be set and made, any Imposition, Custom, or other Taxation, Rate or Contribution, whatsoever, in and upon the aforesaid Dwellers and Inhabitants of the aforesaid Province, for their Lands, Tenements, Goods or Chattels, within the said Province, or in and upon any Goods or Merchandizes within the said Province, or to be loaden or unloaden within the said Ports or Harbours, unless the same be with the Consent of the Proprietary, or Chief Governor and Assembly here, or by Act of Parliament in *England*. And the King, for him, his Heirs and Successors, did charge and command, that his Declaration should from

henceforth, from time to time, be received and allowed in all his Courts, and before all the Judges of him, his Heirs and Successors, for a sufficient lawful Discharge, Payment and Acquittance; commanding all the Officers and Justices of him, his Heirs and Successors, and enjoying them, upon Pain of highest Displeasure, that they do not presume at any Time to attempt any Thing to the contrary of the Premises, or that they do in any Sort withstand the same; but that they be at all Times aiding and assisting, as is fitting, to the said WILLIAM PENN, and to his Heirs, and unto the Inhabitants and Merchants of the Province aforesaid, their Servants, Ministers, Factors and Assigns, in the full Use and Fruition of the Benefit of that Charter, as by the same Charter, amongst other Things, may more fully appear.

That this Country being remote from the Sea, and not so convenient for Trade as some nieghbouring Provinces are, and having no Inlet by Water, but thro' other Colonies, the Freedom of Passage, with the other royal Favours, granted by the said Charter, were principal Motives to induce Merchants to settle in this Place, whereby the Number of Inhabitants, as well as the Trade of this Colony, have increased (we hope) to the Advantage of the Crown and Kingdom of *England.*

That although the last Year's Assembly of this Province have laid great Duties upon Importations here, which, in Part, were intended for the Supply and Support of this Government, and might have cleared our Trade from further Impositions; nevertheless our Governor was pleased to pass a Law or Ordinance at *Newcastle*, intituled, *An Act for erecting and maintaining a Fort, for her Majesty's Service, at the Town of* Newcastle, upon Delaware; requiring, that all Vessels (except Ships of War) coming from Sea, the major Part of whose Owners not residing within the said River or Bay of *Delaware*, shall pay Half a Pound of Powder for every Ton which such Vessels shall measure by the Carpenter's Rule: And that if any Vessel, outward or inward bound, shall presume or attempt to pass by the said Port, without Leave from the Captain or Commander thereof, then it shall be lawful for the said Captain or Commander to fire one or more great Guns at such Vessel or Vessels, in order to bring them to an Anchor, and oblige the Master or Commander of them to come ashore, and make Reports, as well to the said Captain, or other commanding Officer in the said Fort, as to her Majesty's Collector of the Customs of the said Town and District of *Newcastle;* and the said Master shall pay for the first Gun *Twenty Shillings*, for the second Gun *Thirty Shill-*

ings, for the third Gun *Forty Shillings*, and *Five Pounds*, above, for the Contempt, *&c.*

That by Colour of the said Law or Ordinance, the free Passage granted us by the said royal Charter has been, and is, hindered; our Vessels, inward and outward bound, being cleared according to the Acts of Navigation in every Respect, have been stopped, and divers of the Queen's Subjects, who were bound to this Port, and had no Manner of Business to stay at *Newcastle*, have been forced to pay the said Powder-Money, pretended to be taken towards erecting and maintaining of a Fort, which is no Security to the River, nor Protection to Vessels that my happen to be chaced or assaulted there; but, as now managed, a great Nusance to Trade, and of imminent Danger to the Queen's Subjects trading to these Parts, some of them having been threatened to be imprisoned and put in Irons, tho' able and ready to pay, or secure the Mulcts imposed by the said pretended Law; others in Danger to be killed, and their Vessels threatened to be sunk; and in order thereunto, several Cannon Balls have been shot, particularly at the Sloop Philadelphia, as you will find at large by the Affidavits herewith presented to you; notwithstanding the said Law (a Copy whereof we also present to you) gives not Power to fire Ball, nor any Colour for Imprisoning or putting Men in Irons, as we humbly conceive.

That the said Grievances are still increasing, which obliges us at this Time to lay these Things before you, desiring you to make such Representations of our Case, as in your Wisdom you shall Judge proper and convenient; and, as in Duty bound, shall desire your Welfare.

Ordered, That the said Petition be read again in the Afternoon; and then the House adjourned till Two a Clock *post Meridiem.*

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Petition of the Merchants and other Inhabitants of this Province, was again read, and, after some Time spent in the Debate thereof,

Ordered, That the said Petion be read again, and farther considered, To-morrow.

The House taking into Consideration the Governor's last Message, sent by *Griffith Owen*, and *Caleb Pusey*, relating to the Trial of the Secretary.

Ordered, That *Samuel Darke*, and *Richard Hayes*, do wait upon the Governor, and acquaint him, that forasmuch as he has been pleased to appoint the Trial of the Secretary on the

Day called *Monday* next, that he would be pleased, in the mean time, to cause the said Secretary to deliver his Answer to the particular Articles exhibited against him, to such a Committee as the House will order to attend the Governor, any Time this Day, or To-morrow, where the Governor will be pleased to appoint, to the End that the House being apprized thereof, may be fully prepared to proceed in the said Trial, without such Delay as, we conceive, will unavoidably be the Consequence of the Want thereof; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Members appointed to wait upon the Governor with the Message last Night, reported to the House, that they had delivered the said Message, according to Order, and that the Governor was pleased to acquaint them, that the House must not expect any Answer in Writing from the Secretary before the Time of Trial, it not being practicable so to answer; but that the Committee appointed to prosecute ought to be ready with their Proofs, and to go on with the Trial, without returning to the House for any further Directions or Instructions concerning it, or to that Effect.

The House then entered upon the Consideration of the Method of prosecuting the Articles against *James Logan*, and, after some Time spent therein,

Resolved, That the House will, at Three a Clock in the Afternoon, appoint a Committee to examine the Evidence against *James Logan*, and to consider of the Way and Method of managing his Trial; and then the House adjourned till Two a Clock, P. M.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Merchants Petition, exhibited Yesterday, being again read, and taken into Consideration, the House came to certain Resolves, which they agreed should be presented in an Address to the Governor, requesting him to redress the Aggrievances and Hardships complained of by the Peitioners, and that a Copy of the said Petition be likewise sent him therewith.

Ordered, That a Committee be appointed to draw the said Address, and insert the said Resolves accordingly, and bring the same to the House To-morrow Morning.

The House then, according to Order, appointed a Committee to examine the Evidence against *James Logan*, and to consider farther of the Method of Procedure in managing the Trial,

and they have Power to send for Persons, Papers and Records; and then the House adjourned till Nine a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Committee appointed Yesterday to examine Evidence against *James Logan*, and to consider of the Method of managing the Trial, reported to the House, that they had made some considerable Progress therein, but had not quite finished the same, therefore desired further Time to proceed therein.

Ordered, That the said Committee do proceed effectually to finish the Examination of the Witnesses, and consider of the Method of managing the Trial against the Secretary.

John William's Petition against the Secretary, for selling the Petitioner's Mare, as a Stray, tho' she was Ear-marked, was read, and the Petitioner referred to the Common Law for his Remedy.

The Committee appointed to draw an Address to the Governor, according to the Order of the House Yesterday, brought the said Address to the House, where the same being distinctly read, was, after some Amendments, agreed to by the House, N. C. D. and ordered to be transcribed; and then the House adjourned till the twelfth Instant, at Eight a Clock in the Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Address to the Governor being transcribed, was again brought to the House, and read, and the Question being put, that the same be signed by the Speaker, and sent to the Governor? *It passed in the Affirmative*, N. C. D. and is as followeth.

To JOHN EVANS, Esq: by the Queen's royal Approbation Lieutenant Governor of the Province of *Pennsylvania*, and of the Three Lower Counties of *Newcastle*, *Kent* and *Sussex*, on *Delaware* River.

The humble ADDRESS of the Representatives of the Freemen of the said Province, in General Assembly met, the 10th Day of the Month called *May*, 1707.

Sheweth,

THAT *a Petition of above two Hundred and Twenty of the Merchants and other Inhabitants of the said Province, but mostly of the City of* Philadelphia, *having been presented to this House, complaining of very great Abuses and Oppressions which some of the Inhabitants of the County of* Newcastle *have committed upon several of these Petitioners, by Colour*

of a certain Ordinance or Act of Assembly lately passed there by the said Lieutenant Governor, and Representatives of the Freemen of the said Three Lower Counties, intituled, An Act for erecting and maintaining a Fort for her Majesty's Service at the Town of *Newcastle*, upon *Delaware; which Act, as also the several Affidavits relating to the Matters complained of, being read, we thought proper, in the first place, to consider the royal Charter of the late King* CHARLES, *the Second to the Proprietary, bearing Date the fourth Day of* March, *in the Three and Thirtieth Year of his Reign, whereby the free and undisturbed Use and Continuance in, and Passage unto, and out of, all the Ports, Harbours, Bays, Waters, Rivers, Isles, and Inlets, belonging unto, or leading to or from this Country, with the other Powers and Liberties mentioned in the said Petition, are granted to the said Proprietary and Inhabitants of this Province, as the Petitioners set forth; and we further observe, that by the said Charter, the Queen's Leige People of this Province, are to be subject to no Laws but such as are consonant to Reason, and as near as may be agreeable to the Laws, Statutes* and *Rights, of the Kingdom of* England.

In the next Place, we have inspected the late Duke of York's *Deeds of Foeffment to the Proprietary for the said Three Lower Counties; as also the late King* CHARLES *the Second's Grant to the Duke for the same Lands, and we call to Mind, how the Representatives of the Lower Counties broke off, and refused to proceed legislatively in Conjunction with the Representatives of the Province, under the Proprietary's Administration; but how far they can be justified in making Laws to raise Money upon the Queen's Subjects in this Government, we intend shall be further considered hereafter. In the mean time, we shall insist that the Liberty of the free Use and Passage to, and out of, the Ports of this Province, granted us by the above recited royal Charter, is well warranted by the Laws of* England, *and that no Imposition can, by any Act or Ordinance made at* Newcastle, *be laid upon any Vessel bound to, or from, any Port in this Province, which doth not unload at some Key or Place within the said Lower Counties; and we conceive, that upon a strict Examination of their said Act of Assembly, it will most evidently appear, that the Vessels not bound to or out of some Port or Place there, cannot legally be obliged to comply with the Impositions of the said Act.*

Therefore this House having fully and maturely weighed the Nature of the said Act, and the Use that is, and has been, made of it, found themselves obliged, in Duty to the Queen,

and Justice to the People they represent, to come to the following Resolutions, N. C. D.

First, *It is the Opinion of this House, that though the said Act of Assembly might be by the Governor intended for the Queen's Service, and Security of her Subjects, yet the Manner of putting the same in Execution, proves an apparent Violation of the said royal Charter, as well as the Common and Statute Laws of* England, *and is destructive to Trade, and tends to the Depopulating and Ruin of this Province.*

Secondly, *That it is the Opinion of this House, that the firing of Shot at the Sloop* Philadelphia, *in the several Affidavits mentioned when she was duly cleared at this Port of* Philadelphia, *as the Acts of Navigation direct, and had the Governor's Lett-pass, and upon her Voyage to* Barbados, *is not warranted by the said Act of Assembly; but that those who so fired at the said Sloop, after they had Notice what she was, and how she was cleared, ought to be prosecuted as Persons committing Hostility against the Queen's Liege People.*

Thirdly, *That it is the Opinion of this House, that in case the Master of the said Sloop had been liable to pay either Powder Money or other Mulcts imposed by the said Act, yet the forcing him out of the Vessel, and imprisoning him, when Security was offered for answering the supposed Offence, is not warranted by the said Act, but is most illegal and arbitrary.*

May it please the Governor, we having thus presented our Opinion of the said Act, we entreat that thou would use the most effectual Methods to put a speedy Stop to the said exorbitant Practices, great Abuses and Oppressions, mentioned in the said Petition (a Copy whereof we herewith lay before thee) and that the Authors of those arbitrary Actings and Oppressions complained of, may be prosecuted according to Law, and be no longer permitted to abuse the Queen's Authority, and stand in open Defiance of her royal Uncle's Grant, obstruct our Lawful Commerce, and invade our Liberties, Rights and Properties, and under Pretence of fortifying the River for the Service of the Queen, commit Hostilities and Depredations upon her Liege People.

Ordered, That *Francis Rawles* and *Samuel Richardson,* do wait upon the Governor with the said Address, and a Copy of the Petition; and also that they acquaint him, that the Matter thereof being a great Consequence to the Inhabitants of this Province, has somewhat diverted the Assembly from the Business of the Secretary; but that they still insisted upon his Answer to the Articles in Writing, whereby they might

the better know what Evidence they should have Occasion to produce at the Trial.

The said Members returned, and reported, that they had delivered the said Address and Copy of the Petition, with the Message, according to Order; and that the Governor was pleased to tell them, that as concerning the Secretary's Answer, he had received the like Message from the House before, but could find no Precedent for any such Thing; whereupon they acquainted him, that there were divers Precedents for it, and one of them gave him some Instances thereof.

The Committee appointed to examine the Evidence against *James Logan*, and to consider of the Method of managing the Trial, reported, that they had finished the said Examinations, and found (as they conceived) Evidence sufficient to prove the several Articles in the Impeachment against him, and were humbly of Opinion, that as to the Method of the Trial, the whole House should attend the Governor when he give Notice of the Place (according to the Expectation lately given the House by two of his Council) and that the Speaker be requested, in the Name of the House, and of all the Freemen of this Province, to demand Judgment against the Secretary upon the said Articles, unless he put in his Answer to them respectively, to the End that if he plead not Guilty to any of them, the House may proceed to make Proof thereof, which the Committee doubt not may be effectually done, which nevertheless is humbly submitted.

To which Report the House agreed.

Several Petitions against the Secretary, complaining of the great Abuses, intolerable Oppressions, insolvent Behaviour, and opprobrious Language of the said Secretary, to the several Petitioners, when they had Occasion to apply to him about their Patents, and other Affairs pertaining to his Office, being brought to the House, were read;

Ordered, That the said Petitions be referred to a Committee of Grievances, who shall have Power to examine the Petitioners, and hear their Proofs of the Matters contained in their said Petitions, and to send for Persons and Papers.

Samuel Finney, and *Griffith Owen*, in a Message from the Governor, acquainted the House, that the Governor is ready to attend the Business of the Secretary, at the House of *William Clark*, and is desirous to know when a Committee of the House will be ready to manage it; whereupon the Speaker acquainted them, that the Assembly were ready, and had waited expecting the Governor's Intimation of the Place appointed for the Trial, which the House had no Notice of till

now; but that it being past Twelve a Clock, he thought it too late to begin till after Dinner, and accordingly would send some Members to propose it to the Governor.

Ordered, That *Francis Rawles*, and *Evan Lewis*, do wait upon the Governor, and acquaint him, that the House will be ready to attend him upon the Trial of the Secretary, at Three a Clock in the Afternoon.

The said Members returned, and reported, that they had delivered their Message; and that the Governor was pleased to tell them, he would be ready to go on with the Business at the Time proposed; and then the House adjourned till Three a Clock, P. M.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Caleb Pusey, in a Message from the Governor, acquainted the House, that the Governor had been waiting at the House appointed for the Trial of the Secretary about an Hour, and if the Assembly were not ready, he was about to adjourn.

The Speaker acquainted him the House were just coming.

And immediately the Speaker, with the whole House, went to attend the Governor accordingly.

And, after some Time, the House returned, and the Speaker assuming the Chair, reported, that he acquainted the Governor, that the House of Representatives came there to prosecute their Articles of Impeachment against *James Logan*, Secretary of this Province; and that they, in the Name of themselves, and of all the Freemen of the Province of *Pennsylvania*, demanded the said *James Logan's* Answer to the said Articles, as is usual in such Cases, and for Default thereof, that the Governor would be pleased to give Judgment against him.

Whereupon the Governor was pleased to say, that he had something previous by way of Caution to recommend to the Assembly, which he should also take as Caution to himself, which was to this Effect, *viz.* "That he had some Reason to question our Authority, as well as his own, to proceed in a parliamentary Way of Impeachments, since here was not a middle State, resembling the House of Lords, who have power to Proceed judicially upon the Impeachments of the Commons." Whereunto the Speaker replied, That the Assembly coming there to hear the Secretary's Defence, the Governor's Caution was unexpected; nevertheless he craved Leave to shew his own Opinion in that Point, but that the Assembly might not be concluded by what he said, which was to this Effect, *viz.* "That he believed the Assembly were satisfied with their own Authority to impeach, being well warranted

by the Proprietary's Charter to the Inhabitants of this Province: And tho' we are not well acquainted with the Method of such Proceedings, yet that this was not the first Instance of this Kind in this Province; and he was of Opinion, that the Governor had sufficient Power to proceed upon Impeachments, because the Constitution of this Government allows but of two States in Legislation; and inasmuch as the Council have no Share therein, nor any judicial Power by Law assigned them, he concluded, that they ought not to sit judicially upon Impeachments: And he further observed, that if the Governor did not judge himself qualified to try this Matter, yet that the Assembly had full Power to impeach, being the grand Inquisitors of the Province; and that if they had erred in the Method of their Procedure, they were led into it by the Constitution of this Government, which, if defective, ought to be considered and amended, other wise the People here would labour under great Inconveniences: For where any of the Council, or other Person, near the Governor, are guilty of Crimes, not cognizable in the ordinary Courts of Justice, the Government will be left destitute of Power or Means to punish them; which is such a Defect in the Constitution, as ought not to be supposed."

Then the Governor, at the Speaker's Request, ordered the Articles of Impeachment to be read; and the Secretary desired to be heard, which being granted, he made a Speech to this Effect, *viz.* "That he was under great Hardships, being young, and his Experience small to manage those Affairs wherein he was employed; and, perhaps, some Things which he did in his Office, if they were to do again, he might amend them, as he thought most Men, upon second Thoughts, conceived Defects in what had passed, which, were they afterwards to do, might be rectified; but that he had long expected something like what had happened; and that he thought it not strange, that those who designed to attack his Master began with him; that tho' he was the Youngest Man, and last named in the Commission, yet he was pitched on to answer what had been done by the Commissioners; that he did not understand the Articles, nor know what the Assembly meant by them, tho' he confessed he was greatly rejoiced when he saw the Articles, and that he had some Thoughts, or was about to have put an Answer to them into the Coffee-house soon after he saw them, but that he had been advised to the contrary; which, with his Consideration of the Governor's Scruple about the Power of trying

Impeachments, prevailed with him to decline it; that he thought it a great Hardship on him, to be obliged to give particular Answers to the several Articles, which, in his Opinion, ought to be proved against him before he should be obliged to give any Answer to them; that tho' he understood not Forms of Law, yet he had made some Observations in inferior Courts, and remembered, that the Persons accusing used to prove their Accusation, and that all Imparlances and Demurrers were in favour of the Defendant; that he desired a speedy Trial, and had pressed it ever since he had seen the Articles; but still insisted that he might not be obliged to own or deny the Particulars."

The Speaker replied, "That we were ready for Trial, and came there to attend it; and expected that the Secretary would have been obliged to make a regular Defence, and not to be suffered to cast Reflections upon the Assembly, and insinuate as if they had some ill Designs against the Proprietary, which ought not to be supposed of the Representatives of the People; and, inasmuch as they came there to perform their Duty, in the Prosecution of an evil Minister, it was expected the Governor would keep him within proper Bounds, and not allow him to make Excursions that reflect upon this House, as in that Part of his Speech (about attacking his Master) he has done; which some others of the Assembly did then likewise shew their Dislike to, and desired the Governor to prevent the like Abuse for the future: And the Speaker again moved, that the Secretary might be obliged to give his particular Answer, either by confessing or avoiding, justifying or denying, every Article, as the method is upon such Impeachments; for that it would be altogether uncertain what Evidence we should have Occasion to produce, unless we knew the Defendant's Answer to each Charge; nor could it be expected that we should keep Witnesses in Town, waiting till issue is joined."

Then the Governor was pleased to observe, that it must be supposed the Complainants have their Evidence always ready, which was granted; and the Speaker, with some others of the Assembly, declared, "That they had Evidence sufficient (as they thought) to maintain the Impeachment, and if more Witnesses were required, Care would be taken to get them ready at the Trial, but the Matter was not ripe for Proof till the Defendant had put in his Plea, as hath been often insisted on by the Assembly." Whereupon the Governor asked the Opinion of some Persons learned in the Law,

then present, concerning that Point; who answered, that the Secretary ought to plead, or give his Answer, to every Article, before the Assembly should proceed to their Proofs; and then the Governor was pleased to say, "That he thought it the best Way to have the Articles read distinctly, and that the Secretary should either own or deny them." and accordingly ordered *Robert Asheton* to read the first Article; which being done, the Governor required the Secretary to answer it, which he evaded, alledging he did not understand it, but would have it proved, or at least explained.

Upon which the Speaker observed, that tho' it was improper to go upon Proofs till the Defendant had pleaded, yet he said that the Proprietary's Commission to the present Governor, as well as that to Governor *Hamilton*, with other Evidence which we have, do effectually prove both the first and second Articles; and that the Secretary's Pretence of Unskillfulness, and want of riper Years, ought not to excuse the Mismanagement of publick Affairs pertaining to his Office, because he might have had, and should have taken the Advice of Persons better skilled and experienced in those Things wherein he found himself deficient; but instead thereof, it seem he lean'd upon his own Abilities, and, under Pretence of serving his Masters' Interest, made bold Attempts upon some fundamental Points of the Law and Rights of the Subjects, as we are ready to make appear, whenever the Governor thinks fit to bring him to his Trial, which the Speaker again moved for, and desired that all necessary Preliminaries, in order to it, might be forthwith settled; and that the Governor would be pleased to consider of what was offered, and we would return to our House, and wait for his further Resolution in this Matter; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Thomas Story, and *William Trent*, brought a written Message from the Governor, which was read, and is as followeth.

"THE Governor and Council having declared their Opinion fully to the Assembly, that they are not qualified to hear and judge of the Articles exhibited against the Secretary as an Impeachment, according to the parliamentary Proceedings of *England;* and being no judicial Court, they cannot oblige him to plead in any Form; but the Governor being ready to hear any just Complaints, either against the Secretary, or any other Officer, according to the usual Method of the Council-board, which is, to put the Complainant upon

Proof of his Assertion, if the Person complained against does not own it: And the Secretary having declared that he must in general disown the Charge exhibited against him in Manner and Form, as it is there expressed, and that he can give no other Answer, until Proof be made; the House therefore is desired, without Loss of Time, to proceed to the Proof of what they have alledged, at Two of the Clock this Afternoon, at the same Place, where the Governor and Council will be ready to receive them."

A Petition of *Robert Pound*, a Freemen and Inhabitant of the City of *Philadelphia*, complaining of the great Injustice, and personal Abuses he had from *James Logan*, and for the Wrong he did to the Petitioner, in detaining of his Deed for a Lot of Land he possessed of in the said City; which Deed the Petitioner had delivered to the said *James Logan* at the last Court of Enquiry, in order to get a Patent of Confirmation, as others had, for the Proprietary, was read, and ordered to be read again.

Resolved, That the House will enter upon the Consideration of the Governor's last Message forthwith.

And accordingly the House entered upon the Debate of the said Message; and, after some Time spent therein, came to the following Resolutions, N. C. D.

1. It is the Opinion of this House, that the present Constitution of this Government, which vests the Legislative Authority in the Governor, and Representatives of the People of this Province, does well warrant us to impeach, and the Governor to judge of such Impeachments.

2. It is the Opinion of this House, that the Council, having by our Constitution, no Share in the legislative Authority, ought not to sit with the Governor judicially upon such Impeachment.

3. It is the Opinion of this House, that the Secretary ought to put in his Plea, or Answer, to every one of the Articles of Impeachment exhibited against him; and that his Answer to be reduced to Writing.

4. It is the Opinion of this House, that the Assembly do attend the Governor, at Two a Clock this Afternoon, and acquaint him, that they are ready to prove their Charges against the Secretary, when he puts in his Plea in Form, as aforesaid; provided that the Governor will proceed to Judgment thereupon.

Ordered, That *Samuel Richardson* do wait upon the Governor, and deliver him the said Resolves; and then the House adjourned till Two a Clock, P. M.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Samuel Richardson returned, and reported, that he had delivered the above Resolves, according to Order, and that the Governor was pleased to say, that the House were in the Right on't.

Orderd, That *Joseph Baker*, and *Richard Hayes*, do wait upon the Governor, and acquaint him, that the House were ready to attend him upon the Terms proposed in the Resolves last sent him.

The said Messengers returned, and reported, that the Governor would consider of it, and send an Answer to the House immediately.

Ordered, That *Joshua Hoopes*, *John Swift*, and *William Garrett*, do wait upon the Governor, and acquaint him, that the House had long waited his Answer, which he put us in Expectation of, to the Resolves of the House last sent him, for that are ready to go on with the Trial of the Secretary.

The Members returned, and report, that they had delivered their Message accordingly to the Governor, who told them, he would send an Answer to the House quickly.

Whereupon, after the Assembly had waited till about Six a Clock, and no Answer being brought, the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Speaker acquainted the House, that after the Adjournment last Night, he received a written Message from the Governor by John Guest, and Caleb Pusey, which was ordered to be read and is as followeth.

"THE Governor and Council, upon all the Enquiry they have been able to make into the Nature of Impeachments in *England*, and the Powers and Constitution, either of this Government, or any other in *America*, cannot think it false for the Governor to hear and judge of any impeachments in a parliamentary Way; but are of Opinion, that any Endeavours to induce the Governor to take upon him such a Power, tend to lead him into many great Inconveniences, and that the Attempt could by no Means be justified to her Majesty and the Government of *England;* And further, that to invest the Governor with this Power without any Law for it, tends directly to betray the Liberty of the Subject. Notwithstanding which, it is the Opinion of the Governor and Council, that all just Complaints against any Officer, ought to be readily heard in such a Method as is proper to this

Board; and accordingly the Governor is ready to hear what can be exhibited against the Secretary in the present Case, and will proceed to give all the Relief that he possibly can, in any Point wherein the said Secretary has failed of his Duty, and doubts not, but such Measures may be taken in the present Affair, as will fully answer the just and reasonable Demands of the People."

Resolved, That the House will take the said Message into Consideration forthwith; and accordingly the House entered upon the Consideration and Debate of the said Message, and, after some Time spent therein,

Ordered, That a Committee be appointed to draw an Answer to the said Message, and bring the same to the House with all possible Expedition; and then the House adjourned till Two a Clock, P. M.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Committee appointed to draw an Answer to the Governor's last Message, brought the same to the House, which was read, and, upon the Question put, was agreed to by the House, N. C. D. and ordered to be transcribed; and then the House adjourned till Eight a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Answer to the Governor's last Message being transcribed, was again brought to the House, and being again read, and the Question being put, that the same be signed by the Speaker, and sent to the Governor? *It passed in the Affirmative*, N. C. D. and is as followeth.

The Assembly's ANSWER to the Governor's Message, brought to this House the 14th Day of May, 1707.

May it please the Governor,

IT *was a very great Surprize to the House of Representatives, when they attended at the Council-room on the twelfth Instant, in order to prosecute the Articles of Impeachment against the Secretary, that the Governor, after he had by several Messages, and especially that of the Twenty-second of* March *last, giving us an Expectation of bringing the Secretary to Trial upon the said Articles, should question his own Authority to judge of such Impeachments, and when the Governor had heard what was then urged on Behalf of this House in that Point, and had also heard several Persons learned in the Laws declare, that if the Governor thought fit to proceed, the Secretary ought to answer to every Article of Impeach-*

ment, and that his Answer should be reduced to Writing, and the Points brought to Issue, before the Evidence should be produced to prove the Charges against him; all which being left to the Governor's Consideration, he was willing that we should withdraw, whereupon we returned to our House, hoping that the Governor would proceed to Trial, according to our repeated Desires and Expectations; but on the thirteenth Instant we received another Message from the Governor, whereby it is intimated, that he and the Council had declared their Opinion fully to the Assembly, "That the Governor and Council are not qualified to hear and judge of the Articles exhibited against the Secretary as an Impeachment, according to the parliamentary Proceedings;" Whereas the Governor and Council never declared any such Opinion to the Assembly; and if they had, we ought not to regard such Opinion.

That after the said Message was debated, the House came to certain Resolves, which were presented to the Governor, whereby it appears that the Constitution of this Government does well warrant the Representatives of the People to impeach, and the Governor to judge of such Impeachments; and that the Council ought not to sit judicially upon any such Impeachments; and that the Secretary ought to put in his Plea to every one of the Articles of Impeachment; and that we should attend the Governor at Two a Clock that Afternoon, in order to prove our Charges against the Secretary when he puts in his Plea, provided the Governor would proceed to Judgment thereupon; which Resolves were forthwith transcribed, and delivered to the Governor.

That about Two a Clock in the Afternoon that Day the House met, and having put their Proofs against the Secretary in Readiness for the Trial, sent to know if the Governor was willing to receive them upon the Terms proposed by the said Resolves, and the Governor promised to send an Answer to the House immediately; but no Answer being brought, some Hours after we sent again to the Governor, acquainting him that we were still waiting for his Result, and the Messengers returned the like Answer as the others had done before; but the House having waited till about Six a Clock in the Evening, adjourned; and afterwards the Speaker receiving a Written Message from the Governor, brought the same to the House on the fourteenth Instant, which being read, and maturely considered, we are obliged to observe to the Governor, that it is the Opinion of this House, that the Power of Legislation being by the royal Charter granted to the Proprietary, with the Representatives of the People of this Province, the Method

of executing that Power always was, as near as could be, in a parliamentary Way; and the Concurrence of the Proprietary, or his Deputy, with the Representatives, about Judicatories, or other Matters, has had the Force of a Law till disallowed by the Crown; and we understand that the impeaching of Criminals is an Incident to the legislative Authority for the common Safety, and that the Ends of Government cannot be answered without it: And we find that the Proprietary's Charter, as well as the Law for ascertaining the Number of Members of Assembly, &c. passed by the present Governor, give express Power to the People's Representatives in Assembly to impeach Criminals, and redress Aggrievances, with all other Powers and Privileges of an Assembly, according to the Rights of free-born Subjects of England.

But, if there were no such Law, yet we are humbly of Opinion, that the royal Grant, giving the Proprietary, or his Deputy, Power, with the Assent of the People's Representatives, to make Laws, and to raise Money, &c. does sufficiently authorize the Governor, at the Instance of the Assembly, to hear, try and give Judgment, upon such Articles of Impeachment or Accusations as are now before him; and if he refuses, as he has hitherto done, it will render the Assembly's Power of impeaching altogether ineffectual, and let the Secretary pass with Impunity, though we are ready to prosecute and prove our Charges against him.

We are here also obliged to acquaint the Governor, that it would have been more candid, if he was really of Opinion that the Constitution of this Government was defective, and would not warrant him to sit judicially upon Impeachments, to have signified that at first, and not tell us, from time to time, that he would try the Secretary upon the Articles exhibited by this House, which put the Complainants to the Trouble of getting Proofs in Readiness for Trial, at the Time and Place appointed by the Governor for that Purpose; and after the People's Expectations were raised, and Preparations made to accomodate the Auditory, although the Assembly were ready to do their Duty, in prosecuting the Secretary, yet he was suffered to trifle with them, instead of making his proper Defence to what was laid to his Charge.

But we are very much surprized to find how the Governor is prevailed upon to decline the legislative Authority for the Trial of Impeachments, in Matters not cognizable in the ordinary Courts of Judicature, and endeavour, contrary to the Advice of this House, to bring those Trials into a Council of State, in such a Method as is Proper to that Board, and yet

at the same time declare, that they are no judicial Court; and we are satisfied that their Methods cannot be effectual to act judically, without the Concurrence and Authority of Assembly, as appears by our former Resolves.

Ordered, That *John Swift*, *Samuel Richardson*, and *Evan Lewis*, do wait upon the Governor with the said Answer; and they are also to acquaint him, that the House is in Expectation of the Governor's Answer to the Address lately sent him from the House, concerning the Law lately made at *Newcastle*, about Powder-money; and they are further to acquaint the Governor, that the Assembly are inclined to adjourn for some Time.

The said Members returned, and reported, that they had delivered their Message to the Governor according to Order; and that the Governor was pleased to acquaint them, he intended to have a Council at Two a Clock in the Afternoon, and that the House might then expect his Answer; then the House adjourned till Two a Clock, P. M.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

A Petition of several Inhabitants of the County of *Bucks*, complaining of the Hardships this Province is under, by reason of an Act of the last General Assembly relating to the Rates of Money, and praying Relief therein, was read, and ordered to be read again.

Ordered, That a Committee be appointed to inspect and correct the Minutes.

William Boulding's Petition against *James Logan* was read, and ordered to be read again.

The House having waited till Six a Clock in the Afternoon for an Answer from the Governor, concerning the Address lately sent him from this House, about the *Newcastle* Law, but none being brought, the House adjourned till Seven a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Samuel Carpenter, and *Caleb Pusey*, came with a written Message from the Governor, and a Copy of the Secretary's Petition to the Governor, *&c.* annexed, which were read, and are as follow.

"In Answer to the last Message from the Assembly to the Governor, presented this Day, the House is desired to consider that the Parliament of *England* has a transcendant Power and original Jurisdiction in itself by the Constitution.

The Governor and Assembly of this Province have no Power but what is expressly granted.

They have a Power by the King's Grant to make Laws, which shall be of full Force when made according to the Direction of the said Grant, and published under the Seal, but not before.

No Agreement of the Governor and Assembly, in any Point, will give it the Force of a Law, unless enacted according to those Directions; therefore an Impeachment here, can be no Part of the Legislation of this Government, and they are of too high a Nature to be made Incidents only; much less will any Resolve of the Assembly make that Law which was not so before. If the Assembly be the general Inquisitors (as has been said,) they are no Part of the judicial Power that should try Impeachments: only are in those Cases to prosecute: Therefore, the whole Power of Judging is given to the Governor alone, without Law, which is to grant him a much greater One than ever he will be willing to Use, being arbitrary in the highest; and is strange the Assembly should offer it, when there is nothing in the King's Grant to countenance it, and yet dispute his Power of establishing Courts, though in express Words granted by the Charter.

The Governor has always been willing to hear the Proof of the Articles against the Secretary, and when sufficiently made out, he will be ready to make use of all the Power he is invested with to do Justice to the Injured, beyond which, no reasonable Man can expect he should proceed.

If the House are of Opinion that the Governor has in himself the same Power in this Government to hear, try and give Judgment upon Impeachments, that the House of Lords has in *England*, or that their Votes or Resolves can fully enable him so to do, as what they have said seems to imply, they are desired to give it in express Terms accordingly.

The Secretary finding himself aggrieved by the Delay of prosecuting the Charge against him, and presenting the annexed Petition thereupon, the House is desired also to take it into their Consideration, and join with what the Governor has proposed, in giving speedy relief."

To the Honourable JOHN EVANS, *Esq; Lieutenant Governor of the Province of Pennsylvania, &c. and*
COUNCIL *of the same.*

The PETITION *of* James Logan, *Secretary of the said Province;*

Humbly sheweth,

THAT the present Assembly of the said Province having

taken Occasion, soon after their first Meeting, to show themselves angry with your Petitioner, upon Account of the Station he is placed in, did collect, with but too little Regard (as it appears) to the Truth of the Matter of Fact, whatsoever they thought might serve to furnish out a Charge against him; and without calling upon him to answer those Charges, or making any due Enquiry into them, did publickly expose their Votes and Articles against him by their dissused Copies, not only in *Philadelphia*, but in each of the other Counties: by which Means, your Petitioner has been grievously wronged in his Reputation, his Offices have been greatly damaged, and the Proprietary himself, who is known to be nearly affected by some of those Measures, very deeply suffers in his Interest.

To remedy which, as far as lay in his Power, your Petitioner has earnestly endeavoured to bring the Matter to a fair Hearing, that so the great Errors and Mistakes contained in these Charges being upon Trial made appear, his Innocence might be cleared, and the good People of the Province may no longer be imposed upon in these Particulars.

But so it is, may it please this honourable Board, that your Petitioner hitherto has not only altogether failed of that common Justice of being heard, which he has so earnestly desired, but he is now credibly informed, that instead of proceeding to make any due Enquiry into the Matter, or suffering your Petitioner to be publickly heard in any ready or expeditious Method, which he conceives would soon put an End to these groundless Clamours, there is Encouragement given to all Manner of Persons to exhibit Complaints against him, by way of Petitions to the Assembly for Relief, in Points that either very little concern your Petitioner, or in which he is not blameable, as he should readily make appear, could he obtain the Justice of being heard in any proper Way, even upon these Petitions; and by these Means, instead of having a due Enquiry made, as in all such Cases there ought to be, Clamour and Noise only is increased against him, and the People thereupon are induced to believe, that under all these there must needs be some Reality, and Cause of great Complaint; whereas your Petitioner does not doubt, but he shall be able to make appear that there is no such Thing: Which Treatment, as he has generally met with it from some Persons, who have for many Years endeavoured to strike at his Reputation, by false Insinuations among the People, and not only at his, but the Interest he is concerned in; so he con-

ceives such Practices are dishonourable, even to the Government, and that it is incumbent upon the Assembly, who are appointed to redress the People's Grievances, and your Petitioner's, as well as others, to make an effectual and speedy Enquiry into the Premises, that such Relief may be had therein, as the Nature of the Case may require.

May it therefore please the Governor and Council, to take such Measures with the Assembly in bringing these Matters to a Speedy Hearing, as may fully make it appear to impartial Men, how far your Petitioner has been worthy of the Calumnies that have been spread against him, and how far he is either guilty on the one Hand, or innocent on the other; and your Petitioner, as in Duty bound, shall ever, *&c.*

JAMES LOGAN.

Resolved, That the House will enter upon the Consideration of the said Message immediately; and accordingly proceeded upon the Consideration and Debate thereof, and, after some Time spent therein.

Ordered, That a Committee be appointed to draw an Address, in answer to the Governor's Message, and that it be brought to the House this Afternoon.

Ordered, That *George Pearse*, *William Hudson*, do wait upon the Governor, and acquaint him, that the House sent to him Yesterday, desiring to know his Result upon our Address, concerning the *Newcastle* Imposition, whereunto we have no Answer; and also, that the Assembly incline to adjourn for three Weeks; and, in the mean time, the Governor is desired to consider of the Bills laid before him by this House.

The Members returned, and reported, they had delivered their Message accordingly; and that the Governor was pleased to acquaint them, that he was just now engaged with the Council, in the *Newcastle* Business, they having sent him a Petition for Relief in that matter which came before our address, and that the House should have the same Answer which he gave them, which he hoped would satisfy the House; and as to the Assembly's Adjournment for three Weeks, and the Request to the Governor, in the mean time to consider of the Bills laid before him; the Governor was pleased to answer, that he would lay it before the Council, who were to meet at Two a Clock this Afternoon; and then the House adjourned till Three a Clock, P. M.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Committee appointed to draw an Address to the Governor, in answer to his last Message, brought the same to the House, which was read, and, after some Amendments was agreed to by the House, and is as follows.

The humble ADDRESS of the Representatives of the Freemen of the Province of *Pennsylvania*, in Assembly met, the 16th Day of the Month called *May*, 1707, sent to the Governor the same Day.

May it please the Governor,

WE *having considered they Message brought to the House about Eleven a Clock this Day, return for Answer; That though we readily acknowledge that the Parliament of* England *has a transcendent Power, and original Jurisdiction in itself, yet the Branches of that Power are attended with proper Incidents, which they apply for the necessary Support and Exercise of their respective Jurisdictions, as they see Occasion, for the common Good; and so is the legislative Authority here, as we conceive, vested with proper Incidents to answer the Ends of Government, though not expressly granted.*

That the King's Letters Patent having constituted the Governor and Assembly here to be the two Branches of the legislative Authority, and the Negative reserved in the Crown, we humbly conceive, that the Governor may, in some Sense, be deemed to supply a middle State, resembling (though in an inferior Degree) that of the Lords, where the Power of Judging upon Impeachments of the Commons is lodged by the original Institution of the high Court; and when it happens that either of those two great Branches of the Supreme Power would render the Powers of the other ineffectual to redress Grievances or answer any other End of that noble Constitution, we understand that the Queen, out of her royal Care, and Regard to the Welfare of her Subjects, is graciously pleased to interpose, as we hope she will do in our Case, when it is represented how our Constitution, founded on the royal Grant, is eluded, and the Subject oppressed, and left without Relief.

The Governor tells us he has always been willing to hear the Proof of the Articles against the Secretary, and yet at the same time refuses to act judicially in such Cases, alledging a Deficiency of Power for that Purpose; whereby the Right of Impeachment in the Assembly is endeavoured to be defeated, which, according to the received Opinion, can be nō more defeated than the Right of levying Money, for (as a learned Member of the House of Commons said) What signifies the Power of giving Money for the Safety of the Nation,

without the Power of Impeaching Evil Ministers that act to the Ruin of the Nation?

We admire that the Governor should assume Authority to render his Ordinance (which he made in Opposition to the Advice of the Assembly, whereby he gives himself Power to constitute Judges to try the Lives and Fortunes of the Queen's Subjects) to be effectual in Law, and now deny the Agreement of himself and the Assembly to have any such Force.

The Governor was pleased to promise his Protection to the Assembly, against the Affronts and Indignities which might be offered them; nevertheless we find the Secretary is rather indulged to multiply his Abuses, as appears by the Regard that has been given to his bantering and scurrilous Petitions, still'd with Invectives against the Assembly, which we shall take further Notice of, when Justice is like to be executed upon those that so notoriously affront the Representatives of the People, as the said James Logan *has done; in the mean time, we can do no less than request the Governor to remove him from his Council, and put a Stop to those great Grievances complained of by the Assembly, which have been fully proved before a Committee of this House; but if the Governor still continues his Opinion, and will not try the said* Logan *upon our Impeachment, we shall take care to undeceive the World, and place the Delay, or rather Denial of Justice, where it properly lies.*

Ordered, That *Francis Cook,* and *Francis Rawles,* do carry the said Address to the Governor.

Thomas Makin having brought his Account for Paper and Writing for the Service of this House, amounting to *Thirteen Pounds, Four Shillings,* and *Nine-pence;*

Ordered, That the Speaker do issue his Warrant to the Treasurer, to pay the said Sum out of the Hafe of the Impost, appointed for the publick Service of the Province.

Nicholas Rosogans, Door-keeper of this Assembly, also brought his Account for Service to this House, amounting to *Four Pounds Ten Shillings.*

Ordered, That the Speaker do issue his Warrant to the Treasurer, to pay the said Sum out of the Half of the Impost, appointed for the publick Service of the Province.

The Speaker having acquainted the House, that the Representation, which by their Order of the first of *First Month* last, was to be drawn, and sent to the Proprietary, is not yet finished;

Ordered, That the Committee then appointed to revise the Minutes, and draw up the said Representation to the Pro-

prietary, be continued; and when the Minutes are finished, and they be transcribed and published; and that the said Representation be drawn by way of a Remonstrance, and prepared, with a Letter to our Agents, ready to be signed at our next Meeting; and then the House adjourned till the ninth Day of the *Fourth Month* next, at Two a Clock in the Afternoon.

THE House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Ordered, That *John Swift*, and *Joshua Carpenter*, do wait upon the Governor, and acquainted him, that the Assembly are met, and desire to know if he hath any Thing to communicate to them.

The said Members returned, and reported, that the Governor told them that the House may expect to hear from him To-morrow Morning; and then the House adjourned till Nine a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Committee appointed to draw up a Representation, by way of Remonstrance, to be directed to the Proprietary, brought the same to the House, which was read, and ordered, to be read again forthwith, and debated by Paragraphs; which being done, was, after some Amendments, agreed to by the House.

The same Committee being formerly appointed to draw a Letter to the Assembly's Agents in *London*, to be sent with the said Remonstrance, reported, that the same was not ready, but desired Time till this Afternoon to finish it, which was granted; and then the House adjourned till Four a Clock in the Afternoon.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

The Committee appointed to draw a Letter to accompany the Remonstrance, brought the same to the House, which, being read, was, after some Amendments, agreed to by the House.

Ordered, That the said Remonstrance, and Letter, be transcribed, and signed by the Speaker, in Behalf of this Assembly; and that several Copies thereof be made, and signed in like Manner, and sent by divers Ways to the said Agents, in order to be presented to the Proprietary; and then the House adjourned till Seven a Clock To-morrow Morning.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

John Joyce exhibited an Account for some Services, by him pretended to have been done for the Publick, whereon the Secretary certified, that the Governor had allowed Part of the said Account, and would have it made a provincial Charge, which was read; but inasmuch as the Articles of the said Account, do not specify the Services charged, in such a particular Manner as the same ought to be, therefore the House could take no further Notice thereof at present.

Several Copies of the said Remonstrance, and Letter, agreed to be sent to our Agents, being prepared and brought to the House, were ordered to be signed by the Speaker, the Originals whereof, are as follow, *viz.*

To WILLIAM PENN, *Proprietary and Governor in Chief of the Province, of* Pennsylvania:

The REMONSTRANCE *of the* Representatives *of all the Freemen of the said Province, in a* GENERAL ASSEMBLY *met, the tenth Day of the Month called* June, Anno Domini 1707.

May it please the Governor,

WE, and the People we represent, being still grieved and oppressed with the male Administration and Practices of thy Deputy, and the ill Carriage, unwarrantable Proceedings, and great Exactions of thy Secretary, do here, in all Faithfulness and Duty to the Queen, and to thyself, and the People we represent, lay before thee this our Remonstrance against those Things, which, if not speedily redressed must unavoidably be represented to the Queen our Sovereign, who (we have no Cause to doubt, but according to her wonted Goodness) will extend her royal Care and Compassion to us, and the rest of her faithful, tho' distressed, Subjects here; who, being at this Distance, are not only much deprived of the happy Influence of her gentle Administration, but before their Complaints can reach her gracious Ear, are like to be destroyed in their just Rights, Liberties and Properties, by the great Injustice, and arbitrary Oppressions of thy evil Ministers, who abuse the Powers given thee, by the Crown, and, we suppose, have too much prevailed upon thee, to leave us hitherto without Relief.

That the Assembly which sat here on the Twenty-sixth of the *Sixth Month*, 1704, agreed upon certain Heads or Particulars, which, according to the Order of that Day, were drawn up in a Representation, and was signed by the Speaker, and sent thee by a Passenger in *John Guy's* Brigantine, who was taken into *France*, from whence the same Representation was conveyed to thy Hands; whereby thou art put in Mind,

upon what Score the Purchasers and first Adventures embarked with thee to plant this Colony; and what Grants and Promises thou made, and the Assurance and Expectations thou gave them and the rest of the Settlers and Inhabitants of this Province, to enjoy the Privileges derived from they own Grants and Concessions, besides the Rights and Freedoms of *England;* but how they were diappointed in several Respects, appears in Part by the said Representation, to which we refer; and become Supplicants for Relief, not only in Matters there complained of, which are not yet redressed, but also in Things then omitted, as well as what have been lately transacted, to the grievous Oppression of the Queen's Subjects, and publick Scandal of this Government.

We are much concerned, that thou conceived such Displeasure as thou did against that Assembly, and not in all this Time vouchsafe to shew thy Readiness to rectify those Things which they made appear was amiss; nor hast thou shewed they particular Objections to the Bills, which with great Care and Charge were then prepared, for confirming thy Charters to this City and Country, respecting both Privileges and Property, and for settling the Affirmation instead of Oaths; But, on the other Hand, we find, to our great Disappointment, that thou gave Credit to wrong Insinuations against them, as appears by thy Letter from *Hyde-Park*, dated the Twenty-sixth of the *Twelfth Month*, 1704-5, wherein thou treated some Particulars very unfriendly, and, without any just Grounds, blamed the People's Representatives, who, we perceive by their Proceedings, were ready to support the Government under thy Administration, and desired nothing but to have their just Rights, Privileges and Properties, confirmed; the Judicatories regularly established; the Magistracy supplied with Men of Virtue and Probity, and the whole Constitution so framed, that the People called *Quakers*, might have a share with other Christian People in the Government, which thou always gave them an expectation of, and which they justly claim as a Point of Right; not for the Sake of Honour, but for the Suppressing of Vice, and as much as in them lay, to restore the executive Part of the Government to its former Reputation.

We drew up some other Grievances on the fourth of *December* last, comprized in an Address sent thee by way of *Jamaica*, which we earnestly desire thou would take into Consideration, and send speedy Relief, for we can have none

from thy Lieutenant; who, instead of Redress, gives us further Cause of Complaint, as may appear by the Remonstrances and Addresses of this Assembly; true Copies whereof shall be laid before thee, to make out those Complaints, as well as these following Particulars.

That Complaint being made to this House, that some who lately went with thy Lieutenant to *Conestogoe* to visit the *Indians*, committed vile Abominations with them; we addressed the Governor on the Twenty-eighth of *December* last, desiring him, amongst other Things, that Persons concerned in Negotiations and Trade with the *Indians*, might be such as demonstrate their Christianity by a sober and virtuous Conversation; and shewed our Opinion, that if such of the *French* Nation as had been at *Canada*, and held Correspondence there, be not restrained from trading with, and residing amongst, the *Indians*, all our Endeavours to engage them in the Interest of the Crown of *England*, will be to little Purpose; nevertheless, we understand that there are three *Frenchmen*, two of them, *viz*, *Nichola*, and *Letort*, reckoned very dangerous Persons, but all three have been at *Canada*, and yet are permitted to trade with the *Indians*.

That we have no Account at all of the Reason why the Law for Establishment of Courts was repealed, so that we know not the Minds of our Superiors in that Behalf; nevertheless, we endeavored to frame another as near as we could to an *English* Constitution, but thy Lieutenant hath set up Courts by his Ordinance, and refused to concur with the Assembly in establishing them by a Law, though we had left but two of his Objections unremoved; the one about licencing Ale-houses and Taverns, and the other about removing the Clerks of the Courts for official Misbehaviour; both which we proposed to be by the Justices here as in *England;* the first being insisted on as the only Means to prevent the Debaucheries of this Place, allowing the Governor greater Perquisites for the same than he could demand by Law; and the second as a reasonable Construction upon the last Charter thou granted us, which does direct the Justices to place the Clerks when there is a Vacancy; and we would only add what the Charter implies, and the Laws of *England* express, should make a Vacancy in that Case.

That thy Lieutenant also objects against turning out evil Judges upon the Application of the Assembly, and will not allow the People to have any Share in the Removing of Judges or Justices, notwithstanding the first Charter of Privileges, which was granted in *England* in the Year 1682, gave

the People the Right of appointing as well as removing them; and *New-England* has the same in Effect to this Day; and how we were deprived of it, appears in the above mentioned Representation.

That whereas we have drawn certain Articles of Impeachment against thy Secretary, and exhibited them to the Governor on the Twenty-fifth of the Twelfth Month last, who gave us an Expectation of bringing him to Trial; but after the Complainants were at the Trouble and Charge of getting their Proofs ready, and other necessary Preparations made for the Trial, on the twelfth of the Fourth Month last, he questioned his own Authority to judge, and ours to impeach, in that Method; so that the Constitution of the Government, confirmed by an Act of the last Assembly, is by him, rendered defective in one of the principal Parts of the legislative Authority, and an evil Minister let go with Impunity.

That for want of settling the Bounds betwist this Province and Maryland, as also the circular Line about Newcastle, several of the Inhabitants of *Chester County* are, and more like to be, grievously oppressed.

That whereas the last Assembly laid an Impost upon certain Goods imported into this Province, and gave thy Lieutenant the Disposal of the one Moiety thereof, which he converted to his own Use; and although it proves a very great Clog to the Trade of this Place, and an Inconveniency to the Country in general, yet thy Lieutenant, to make it more oppressive, hath, by a pretended Law, which he passed at *Newcastle*, laid another Imposition upon our Trade, and thereby interrupts the very Passage granted us by the royal Charter; and by Colour of that Law he, and others at his Command, have committed Hostility and Depredations upon several of the Queen's Subjects inhabiting in, and trading to, this Province.

Whereas thou gave us an Expectation as they last Return for *England*, that thou would speedily obtain the Opinion of the Attorney General, and of the Board of Trade, upon the Body of Laws which thou passed in the Years 1700, and 1701; and thou had considerable Sums of Money to defray the Charge of that Negotiation, yet we find, that the Laws for raising the *Two Thousand Pounds* Tax and Impost were expired before the other Laws had the Result of the Board of Trade; so that our Money was gone, and the most valuable of our Laws repealed.

Whereas thy Lieutenant, being advanced to the chief Command of this Province, ought, by a sober and virtuous Con-

versation, to have been a good Example to the Queen's Subjects committed to his Care, and to demean himself answerable to the Dignity of so high a Station; nevertheless he hath, by his Excesses and Misdemeanours, dishonored both God and the Queen, and has brought thy Government under very great and publick Scandals, which, with his arbitrary Proceedings above mentioned, nothing in any Measure can attone for, but his immediate Dismiss.

Signed by Order of the House, per
DAVID LLOYD, *Speaker*.

From the Assembly, held at *Philadelphia*, the tenth Day of the *Fourth Month*, 1707.

Honoured Friends, George Whitehead, William Meade, *and* Thomas Lower,

WE *made bold to trouble you with a few Lines, the fourth Day of* December *last, wherein was inclosed an Address to our Proprietary, setting forth some Aggrievances we, and the People of this Province, then did, and still do, labour under, in divers Respects, and especially by the Lieutenant-Governor, and Secretary,* James Logan; *since which our Occasions of Complaint are renewed, and their arbitrary Practices become an intolerable Burden and Oppression to the Inhabitants of this Province; which has necessitated us once more to trouble you with the inclosed Address, whereby you will perceive our deplorable Condition and Circumstances, unless speedy Relief be granted us by the Proprietary; who hitherto has not vouchsafed us the Favour of one Line, in answer to the Address of former Assemblies, nor yielded us any Relief from the Hardships and Aggrievances by them remonstrated, altho' full and plain, especially that of the Twenty-sixth of the* Sixth Month, 1704, *to which we are again necessitated to refer, as still labouring under most of the Aggrievances therein complained of, with the Additionals comprised in the Inclosed, earnestly requesting you to use your utmost Endeavours with the Proprietary to grant us immediate Redress and Relief in the Premises; and especially to remove his Lieutenant and Secretary, whose undue Practices have rendered them very obnoxious to the People: And if he will not commiserate our suffering Case, but refuse to redress the great Aggrievances, about which we have both now and formerly addressed him, then we request and entreat you, or any one or more of you, to make such further Application to our Superiors, as you may judge most expedient for our speedy Help from under*

these sore Afflictions, a Catalogue of the Particulars being likewise herewith sent you, tho' far short of what we might justly complain of, being sparing for the Sake of the Proprietary, for whom we still retain Charity and Respect; notwithstanding his Conduct is surprizing and astonishing to us, and the People we represent, especially the first Purchasers and Adventurers into this Colony, to whom large Promises were made, but never performed: And when his Grants have been eluded and defeated by his Ministers here, and their evil practices represented to him, he, instead of checking them, and giving the People Satisfaction, hath rather encouraged them to proceed, as, from their continuing and multiplying their evil Practices, we have Reason to conclude, and his Letter, in answer to the above-mentioned former Representation, does too plainly confirm. We shall not at present give you further Trouble, but rest in Expectation, your greatly obliged, but deeply suffering, Friends.

Signed by Order of the House, *per*
DAVID LLOYD, Speaker.

Thomas Story brought a written Message from the Governor, which was read, and is as followeth.

GENTLEMEN,

"IT is by Accident only, that I am now in Town at the Time of your Meeting, and not by Design; for as you have taken upon you (or endeavoured at least) to invert the Order of Government, by adjourning yourselves at Pleasure, and then send me Notice of the Time when you think fit to meet again, as if I were to attend your Appointments, and not you mine; so I must let you know, I cannot take Notice of any such Adjournments.

But being informed, that the Business of your present Meeting is chiefly to agree and sign some Addresses or Representations, to be sent to *England*, I must require you forthwith to lay before me all such Addresses or Representations as are or shall be prepared by you; and that you presume not to send any such out of this Government, until they have been fully communicated to me, as they of Right and Justice ought to be, and is practiced in other Governments: And hereunto I desire your Answer without Dalay."

JOHN EVANS.

Ordered, That a Committee be appointed to draw an Answer to the said Message, and bring the same to the House this Morning.

Resolved, That this House will forthwith resolve itself into a Committee of the whole House, to consider of the Particulars of a Catalogue, or Account, of the male Administration, and arbitrary Proceedings, of the Lieutenant-Governor, and evil Practices of the Secretary, which are to be prepared, and sent to the Proprietary. And that the same Committee do settle the Accounts relating to the Service of the Members of this Assembly, in order that the said Accounts may be signed by the Speaker.

And afterwards the Speaker re-assumed the Chair, and the Chairman reported from the said Committee, that they had made some Progress in the Matters to them referred, and are of Opinion, that these following Particulars may be put into the said Catalogue, *viz.*

1. THAT the said Lieutenant-Governor, having set up a pretended Militia, did, by one of his Proclamations, exempt those that would enlist themselves therein, from watching, warding, and serving as Constables, *&c.* And altho' the said Militia have been discontinued, and never mustered since the false Alarm in *May* 1706, yet the said Exemption is still continued, against Law, and to the great Oppression of those that did not so enlist.

2. That the Proprietary, pursuant to the Powers granted him by the Letters Patent for this Province, made certain Constitutions and Concessions, containing divers Rights, Liberties and Privileges, which he gave the People a very sacred Assurance to enjoy; and that neither he, nor any under him, should procure or do any Thing whereby those Liberties, nor any Part thereof, should be infringed: And further, in Pursuance of the same royal Grant, did incorporate this City of *Philadelphia*, vesting the Mayor and Aldermen with the Power of conserving the Peace, and trying Larcenies, and other small Offences, punishable by Fine or Whipping. That the said Lieutenant-Governor was in Duty bound to rule this Province, according to the true Intent of those Constitutions and Concessions, until they were disallowed by the Queen; nevertheless he has used several Ways to elude and render them ineffectual to the People, for whose Benefit they were proposed, as in Part appears by these following Instances, *viz.*

That when the Assembly, in the Year 1704, prepared a Bill for explaining and confirming the Charter of the said City, the Lieutenant-Governor (having conceived a Displeasure against the City Magistrates, because they would have

punished some of his Companions for Disorders in their Night Revels, and for beating the Constable and Watch) refused to pass the Bill, and commissionated the County Justices to determine the Matters arising within the City and properly cognizable by the City Magistrate; to the End, as we conceive, that he might not only get the Fines at his own Disposal (which the Proprietary had granted towards supporting the Government of the said City) but also that the Taverns and Ale-houses (the very Nurseries of Disorders and Debaucheries in this Place) might be multiplied; and withal, that his arbitrary Designs of raising Money upon the Queen's Subjects, without Law, might be better effected, he having imposed two Licenses a Year upon most of the Keepers of those Houses, the one for Wine, and the other for Beer; and exacted *Eight Pounds, per Annum, or* upwards, from every One, that had those two Licenses, and so proportionable for the rest; whereby he raised great Sums of Money upon the Inhabitants of this Province, without Law or Precedent.

That the Proprietary, pursuant to the Powers of the said Letters Patent, gave to the People of this Province a Charter of Privileges, which directs, that there shall be an Assembly yearly chosen by the Freemen of this Province, on the first Day of *October*, for ever; which Assembly shall sit upon their own Adjournments; prepare Bills to pass into Laws; impeach Criminals, and redress Grievances: And that the Freemen in each County, at the Time and Place of Meeting for electing their Representatives, may, as often as there shall be Occasion, chuse Persons for Sheriffs and Coroners, in Manner as that Charter prescribes; but the said Lieutenant-Governor having infringed the said Charter, by rejecting the People's Choice of Sheriff and Coroner for the City and County of *Philadelphia*, in the Year 1704 (as he has also done this Year) and by Licencing several Taverns, and Ale-houses in *Philadelphia*, against, and without, the Recommendations of the City Magistrates; the Assembly in the said Year 1704, proposed a Bill for explaining and confirming the said Charter of Privileges, and for preventing such Infringements for the future, which the Governor refused to pass; and when that Assembly shewed their Dislike to his rejecting the People's Choice, and, instead of them, commissionating other Persons of his own Appointment, he sent a Message to dismiss the Assembly, against the Form and Effect of the said Charter, and known Usage of this Government, and contrary

to his Duty and Trust to the Proprietary, and People committed to his Care.

3. That all Taxes laid upon the Subjects for Support of Government, should be given to the Queen, with humble Application that she may allow the same to be appropriated for the Uses desired, which the said Lieutenant-Governor ought not be ignorant of; nevertheless he passed a Law at the Last Assembly, whereby he appropriated *Eight Hundred Pounds* of the Land Tax, with Half the Impost and Excise, amounting to much more than the Tax, directly to his own Use, and at the same time secreted the Lords of Trade's Objections to our former Laws, and suffered that Assembly to enact, and himself to pass, divers new Ones, liable to the same Objections; which being offensive to our Superiors, may prove very detrimental to this Government.

4. That some of the next Returns which the said Lieutenant Governor made for the Assembly's Benevolence was a Project of a false Alarm, carried on by him, and two or three of his Accomplices, to the great Damage of this City in particular, and the Province in general, besides the Encouragement it gave the *French* to attack us, when they came to understand, as they easily might, from some of their Countrymen, or others, that saw how inconsiderable the Resistance was like to be, and how many of the Militia could not be prevailed, with to appear in Arms; and some of those that did appear, more like to destroy the Town than guard it: And although the Governor knew that there was no real Need of Ammunition, nor any Danger of the *French* at that Time, yet he forced great Quanities of Powder and Lead to be taken from the Inhabitants, whether to leave them destitute when there might be Occasion, we will not determine; but we are well assured that the Governor shot at some, and ordered his Men to shoot others of the Queen's Subjects, for endeavouring to save their Goods, which were like to be stole by the Rabble that he then raised, who threatened the People's Lives and Estates; and one of the Officers of his Militia declared, that if the *French* had come, and the Queen's Collector had been there, he would have shot him one of the first; and several of them swore they would be Masters of the *Quakers* Brick-houses in *Philadelphia* that Day; and we understand that their Design was to continue the Alarm till Night, and then rob the Town; And moreover, it is made appear to this Committee, that afterwards, when one of the Actors in this false Alarm was ap-

prehended, the Governor, contrary to Law and Justice, discharged him out of the Constable's Hands, and said, that what the Prisoner had done was at his Command; and so protects him ever since.

5. That the said Lieutenant Governor having formed a distinct Assembly in, and for, the Three Lower Counties, who had no Power to make Laws obliging upon the Province; nevertheless the Lieutenant Governor concurred with them to make a Law, whereby he lays another Imposition upon the Trade of this Province, and impedes the Passage granted by the royal Charter to and from the same; and by Colour of that Law, has exacted great Sums of Money from divers of the Queen's Subjects against their Wills; and endeavoured to sink some of the Vessels which himself had cleared, and knew them to be fair Traders, and was like to kill the Queen's Liege People on board those and other Vessels, for refusing to come under that Imposition, having caused divers great Guns to be fired at them.

6. That the said Lieutenant Governor hath, without any Colour of Law, exacted *Twelve Shillings* from every Master of Vessel outward bound, for a Let-pass, notwithstanding they have their Clearance according to the Act of Navigation; which is another Tax the Governor puts upon Trade, to the grievous Oppression of the Queen's Subjects.

7. That although the Governor might collect from the Attorney General's Opinion upon our former Laws, how it is expected that our Constitutions should conform as near as may be to the Laws and Interest of *England*, and it is as evident from the above mentioned Objections, what the Opinion of the Board of Trade was about Fines and Forfeitures, *&c.* nevertheless he, and the said Lieutenant Governor, hath hitherto refused to concur with the Assembly, in having the Method of convicting Clerks of the Peace, *&c.* for official Misbehaviour here as such Officers are in *England;* and in having Ale-houses licenced by the Justices here as they are in *England;* and in having the Fines and Forfeitures go to the Queen for the Support of Government; and in having the Courts of Judicature regulated as near an *English* Establishment, as the Circumstances of this young Colony can admit of.

8. That the Governor allows several *Frenchmen* (who are *Papists*, and have been at *Canada*) to trade with, and reside amongst, the *Indians* of this Country; and it is credibly re-

ported, that they, as well as some others of higher Rank, when amongst the *Indians*, behave themselves very wickedly.

9. That the Governor, of his own Authority, and without any Power from the Admirality, did, in *June* 1706, grant one *Thomas Hurst* a Commission for Privateering, and gave it a Year's Continuance.

10. That the Governor not regarding the Peace and Justice of this Province, did beat one *Solomon Cresson*, Constable of this City, when he was doing the Duty of his Office upon the Watch, about two Years ago, and sent him to Prison, where he was kept till the Afternoon of the Day following, for no other Cause that we can find, but bidding a lewd Tavern-keeper disperse her Company, where the Governor happened to be about One a Clock at Night, though the Constable knew not of his being there till he called him in, and began to beat him; and the Governor hath also beaten and abused several others of the peaceable Inhabitants of this Province divers Times, without any just Occasion given him.

11. That inasmuch as the Governor, by Virtue of the said royal Charter, is vested with one Branch of the legislative Authority of this Government, he ought in Duty to join with the People's Representatives, who are vested with the other Branch of that Authority, to redress the Grievances of the People. in Matters not cognizable in the ordinary Courts; nevertheless he has declined that Part of his Duty, by refusing to try the present Secretary upon certain Articles exhibited against him by this Assembly for official Misbehaviours, Oppressions, Abuses and Exactions, which the People groan under, and are left hitherto without Relief.

12. That the Governor has fitted up a small House, near a Mile out of this Town, for his chief Residence, where he takes his Opportunities, as well as in other Places, to commit frequent and notorious Excesses and Debaucheries, not fit to be rehearsed; and although his Behaviour at those Times is so provoking and offensive to Almighty God, dishonourable to the Queen, and encouraging to all Manner of Wickedness; and though in the Course of his Administration of the Government he has weaken'd the Hands of the Magistrates that would have used their utmost Endeavours to suppress Vice, yet he has put forth Proclamations, and required some of them to be read in all Churches and religious Meetings, against those Disorders, which in great Measure abounded, and are still continued by him, and his Example, to the Scandal of Christianity, and Grief of all sober Minds.

13. That the Secretary, *James Logan*, knowing the above-mentioned Alarm was false, took a Boat and Hands down the River, under Pretence of discovering the Motion of the Enemy, and giving Signals, according as the Governor and he had agreed; and soon after he got out of sight of the Town, met with one of this River Shallops, bound up here, and when he understood she had come from below *Newcastle* that Morning, and so was like to discover that there was no Cause for the Alarm, he went on board her, and caused the Boat he was in to be tied to her Stern; and when he came in Sight of the Town (that the Project might not end without more Terror) he caused a Flag to be hoisted to the Top of the Shallop's Mast, which looked at that Distance like *French* Colours; and the Governor observing it by a Perspective-glass, rendered it so to be.

14. That tho' the Commissioners appointed by the Proprietary to manage his Land Affairs have no Power of Judicature, nor any Authority by Law to call the People before them to give an Account of what Titles they have to their Lands, much less to oblige them to shew their Deeds, under any Pretence whatsoever; yet the said *James Logan*, hath caused divers of the Queen's Subjects to come and appear before him, and the rest of the said Commissioners, and compelled them to produce their Deeds, some of which, as well as several Patents and Surveys of Land, he the said *James Logan*, detains from the Owners, whom he treats with opprobrious Language when they come to demand them; and to some, whose Lands have been bought and paid for above Twenty Years, and duly surveyed, he denies Patents, and will not suffer the Surveyor to give them Plans or Returns of their Location, as by Complaints and Proofs brought to this Committee it plainly appears.

15. That the Proprietary and his Commissioners have caused the survey'd Parts of this Country to be laid contiguously, and allowed no Land for Commons, so that the Wood-rangers, appointed by the Proprietary, or his Commissioners, ought not to range or take up Strays upon the Lands particularly located for the Purchasers, or Tenants, but the Right of appointing Rangers within those Locations belongs to the Owners of the Land, and not to the Proprietary; nevertheless, that said *James Logan* hath employed Rangers at large, who have made it their Business to take up Horses wherever they can find them, unmarked, and some ear-marked or branded, and without due Publication or Notice given, he either takes

such of them as he thinks fit, or else the Rangers keep them, and pay him so much as he is willing to take for them; and we understand that these Rangers, under the like Pretence, have taken Cattle and Swine from the Owners.

These being Part of the many Grievances complained of, are what the Committee found Time at present to bring into this Catalogue; there are divers others comprised in the Remonstrances and Journals of this and the late Assemblies, whereunto this Committee does refer, and have ordered these Matters to be reported specially, leaving the same to the Wisdom and Consideration of the House.

Resolved, That it is the Opinion of this House, that the fifteen Articles or Particulars, reported by the grand Committee this Day, shall be put into the Catalogue of the Governor and Secretary's Malefeazance, and that the same be copied and sent with the rest of the Papers to our Agents in *London*, requesting them to exhibit the same, first to the Proprietary, and then to the Board of Trade.

The Committee appointed to draw an Answer to the Governor' last Message, brought the same to the House, which being read, was, upon the Question put, agreed to by the House, and ordered to be transcribed, and signed by the Speaker, and is as followeth.

The Assembly's ANSWER to the Governor's Message, brought to the House this 11th Day of *June*, 1707.

May it please the Governor,

ALTHOUGH *the Act for ascertaining the Number of Members of Assembly, made the last Year, in affirmance of the Constitution and known Usage of this Province, allows us to sit upon our own Adjournments; yet we do not remember that we have adjourned, without acquainting the Governor with the Occasion and Motives of our Adjournments; and on that Account, have been put to very great Trouble in sending to thy Country House, and elsewhere; and as we never adjourned, but with Submission to thy Call, whenever thou thought fit to convene us again; so we never endeavoured to restrict the Governor to our Appointments; therefore thy Suggestion, of our taking upon us, or endeavouring, at least, to invert the Order of Government, is groundless.*

We expected, by this Time, thou had considered of the Bills we laid before thee long since; and would have been ready to pass them, or tell us thou wilt not; as also to give the Province some Relief in those Matters we complained of from time to time, and can have no Redress which is so great a Neglect

in thy Administration, that we can do no less than remonstrate.

As for what Representations we shall send to England, *the Substance of them is diffused in the several Addresses, Remonstrances and Resolves of this House, which have been already laid before thee; and what we add, does chiefly relate to the false Alarm, and thy beating the Constable, when he was doing his duty upon the Watch; with some other Practices unbecoming thy Station: And as a Repetition thereof may not be very grateful to thee, so we are not as yet satisfied, that it is our Duty to lay before thee what Addresses we make concerning those Matters, wherein thou either refused or neglected to give us Relief.*

And since we perceive the Governor is not inclined to proceed with us, either in Legislation, or to favour us with an Answer to our Addresses, as we often desired, we think fit to acquaint him, that being mostly Persons of mean Estates, and whose personal Care about our domestick Affairs, is, by the approaching Harvest, rendered indispensibly necessary, we shall be forced to adjourn, till the Governor shall find Occasion to require our further Attendance.

Signed by Order of the House, *per*
DAVID LLOYD, Speaker.

And then the House adjourned till Two a Clock this Afternoon.

The House met, and the Speaker assuming the Chair, the Members were called over, and a Quorum appeared.

Ordered, That *Samuel Richardson*, and *Henry Paxton*, do wait upon the Governor and deliver him the said Answer.

The said Members returned, and reported, that they being informed that the Governor is not in Town, delivered the said Answer to the Secretary, who promised to give it to the Governor.

John Joyce, his Account being rectified, was brought to the House, and the Sum of *Seven Pounds, Eight Shillings*, allowed, and ordered to be paid by the Treasurer, out of the Tax or Impost.

Resolved, That this House will immediately resolve itself into a Committee of the whole House, to consider of certain Accounts brought in for the immediate Service of this Assembly.

The House, according to the Order of this Day, resolved itself into a Committee of the whole House, to consider of certain Accounts to them referred; and, after some Time

spent therein, the Speaker assumed the Chair, and *Griffith Jones*, Chairman of the said Committee, reported, that they had considered the Speaker *David Lloyd's* Account, and were of Opinion, that he shall be allowed *Ten Pounds*, and *Two Shillings*, thereof, which the House agreed to; and

Ordered, That the Treasurer, *Samuel Carpenter*, do forthwith pay the said Sum of *Ten Pounds, Two Shillings*, to the said *David Lloyd*, or Order, upon Sight of a Copy of this Vote.

And the said Chairman further reported, that the Committee had also considered *Thomas Makin's* Account, amounting to *Fourteen Pounds, Thirteen Shillings*, and *Six-pence*, for Writing, which he did for this Assembly, and were of Opinion, that he shall be allowed *Fourteen Pounds* thereof; which the House agree to.

Ordered, That the Speaker do issue his Warrant to the Treasurer, *Samuel Carpenter*, for the said *Fourteen Pounds*, requiring him to pay the same to the said *Thomas Makin*, out of the Tax or Impost, forthwith.

And the said Chairman further reported that the said Committee had also considered *Nicholas Rosogan's* Account, amounting to *Three Pounds, One Shilling* and *Two-Pence*, for his Service, as Door-keeper of this Assembly, and were of Opinion the same should be allowed, which the House agreed to.

Ordered, That the Speaker do issue his Warrant to the Treasurer, *Samuel Carpenter*, as well for the said *Three Pounds, One Shilling*, and *Two-pence*, as *Four Pounds Ten Shillings* (for which he had an Order on the Treasurer the sixteenth of *May* last, not yet paid) requiring the said Treasurer to pay both the said Sums, amounting to *Seven Pounds, Eleven Shillings*, and *Two-pence*, out of the Tax or Impost, forthwith.

Ordered, That the Speaker be desired to assist the Committee, *to wit, Joseph Wilcox, Francis Rawles, Griffith Jones*, and *Francis Cook*, in revising and settling the Minutes of Assembly; and that a Copy of them be signed by the Speaker, and sent to the Coffee-house. And that the same Committee do also inspect the Papers and Writings that are to be sent from this Assembly to their Agents in *London;* and that the Speaker shall be allowed *Twelve Shillings* a Day, as formerly, for the Time he spends in revising the said Minutes, and in writing, preparing, and examining the said Papers.

A Motion being made, and the Question put, that the Governor's last Message, and our Answer thereto, be sent to the Coffee-house? *Carried in the Affirmative.*

And then the House adjourned till the Twenty-third of *September* next, at Two a Clock in the Afternoon, unless the Governor thinks fit to call us sooner.

The END *of the* First VOLUME